

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

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**FORTIETH DAY'S PROCEEDINGS**

**Twenty-Ninth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, June 12, 2003

The Senate was called to order at 1:30 o'clock P.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

**ABSENT**

Bajoie	Bean
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

**Prayer**

The prayer was offered by Rev. Monsignor Robert Berggreen, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the  
Legislative Bureau**

June 12, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 38—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Lusher; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 39—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Gramercy; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 128—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 9:2795.3, relative to limitation of liability for motorized off-road vehicle activities; to provide for definitions; to provide for limitations of liability in certain circumstances; to provide for exceptions; to provide for the posting of signs and warnings; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 264—**  
BY REPRESENTATIVES BALDONE AND DOWNER  
AN ACT

To enact R.S. 13:1904 (C), (D), and (E), relative to the destruction of certain records in the City Court of Houma; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destructions of records; to provide for requirements prior to destruction; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 303—**  
BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 9:315.20(Obligation Worksheet B), relative to the shared custodial worksheet; to clarify language used in calculating payments to third parties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 353—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 11:103(D), relative to the Firefighters' Retirement System of Louisiana; to provide for the determination of the employer contribution rate; to provide with respect to valuation of certain outstanding amortization bases; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 354—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 11:2260(A)(2)(introductory paragraph) and (a)(introductory paragraph), (c), (d), (e), and (f) and (6) and to enact R.S. 11:2260(A)(2)(g), relative to the Firefighters' Retirement System of Louisiana; to provide for the membership of the board of trustees; to provide quorum requirements; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 365—**

BY REPRESENTATIVE GARY SMITH  
AN ACT

To enact R.S. 9:315.36, relative to the suspension of licenses for the nonpayment of support; to provide for the judicial suspension of licenses; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 370—**

BY REPRESENTATIVE FAUCHEUX  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize a local government to provide capital from certain revenues for industrial development purposes; to provide prerequisites; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 397—**

BY REPRESENTATIVE GREEN  
AN ACT

To enact R.S. 9:292, relative to name changes; to provide for the use of surnames by married persons; to provide for the use of a deceased spouse's surname; to provide for the use of a former spouse's surname; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 398—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact Code of Civil Procedure Article 1734.1, relative to deposits for jury trials; to provide for the discretionary authority of the court in setting the amount of the deposit; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 398 by Representative Baldone

**AMENDMENT NO. 1**

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Judiciary A and adopted by the Senate on June 11, 2003, on line 6, following "dollars" delete "for"

**AMENDMENT NO. 2**

On page 1, lines 2 and 7, following "1734.1" insert "(A)"

**HOUSE BILL NO. 411—**

BY REPRESENTATIVE MCVEA  
AN ACT

To amend and reenact R.S. 11:1541, relative to the Clerks of Court Retirement and Relief Fund; to provide with respect to the membership of the board of trustees; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 412—**

BY REPRESENTATIVE MCVEA  
AN ACT

To amend and reenact R.S. 11:1549(A), relative to the Clerks' of Court Retirement and Relief Fund; to provide with respect to cost-of-living adjustments; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 417—**

BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 11:558(A)(4) and (5) and to enact R.S. 11:558(A)(6), relative to the Louisiana State Employees' Retirement System; to provide with respect to judges and officers of the court who are members of the system; to provide relative to retirement eligibility; to provide for retirement at age sixty-five with at least ten years of creditable service; to clarify that remaining in office beyond age seventy is not prohibited by statute if permitted by the constitution; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 429—**

BY REPRESENTATIVE PITRE  
AN ACT

To enact R.S. 23:291(D), relative to disclosure of employment information; to provide employers with immunity from civil liability under certain circumstances; to provide the definition of "owners"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 453—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 9:5607, relative to civil liability for damages; to provide for peremption of actions for damages against a professional engineer, surveyor, and architect; to provide for a prescriptive period for such actions; to provide for applicability; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 501—**

BY REPRESENTATIVE SWILLING  
AN ACT

To enact R.S. 33:9076, to create the Lake Barrington Subdivision Improvement District; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to taxes or fees to be levied and collected in the district; to provide relative to district plans; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 551—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 9:2772(A) and (C) and to repeal R.S. 9:2772(D), relative to peremptive periods for filing actions involving deficiencies in surveying, design, supervision, or construction of immovables; to provide for periods within which to file certain actions; to repeal obsolete provision relative to prescription of actions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 565—**

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN  
AN ACT

To amend and reenact R.S. 11:162(C), relative to the Teachers' Retirement System of Louisiana; to provide for membership therein; to provide for classes of employees not eligible for membership; to provide for the promulgation of rules; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 604—**

BY REPRESENTATIVES DEVILLIER AND MURRAY  
A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, relative to the right to property; to provide for the protection of the ownership rights of personal property; to clarify that contraband has no such protection; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 717—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact R.S. 33:4768(A)(1), relative to condemned structures; to provide that the city of Lake Charles, as an alternative to demolition or removal, may make repairs necessary to correct defects in condemned structures within its jurisdiction; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 737—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 35:1.1(A), 191(C)(3), and 391(6), relative to notaries; to provide for an increase in the amount of the required bond for non-attorney and ex officio notaries; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 758—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 11:1152(L), relative to the Louisiana School Employees' Retirement System; to provide with respect to the Deferred Retirement Option Plan; to prohibit reenrollment in the system under certain conditions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 766—**

BY REPRESENTATIVES PITRE, JOHNS, AND WALSWORTH  
AN ACT

To amend and reenact R.S. 49:214.5, relative to coastal restoration; to provide that state and political subdivisions shall be held harmless; to provide for applicability to certain claims; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 784—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 9:2721.1(A), relative to the recordation of leases of immovable property; to provide for recordation of certain mineral leases; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 795—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 27:20(C), 28(B)(1)(e), 29.4(C), 85(D), 231(B), 371(A), and 376(A) and to enact R.S. 27:30.3, 30.4, 85(E), 260(E), and 376(C), (D), and (E), relative to the Louisiana Gaming Control Law; to provide for a comprehensive revision of the law applicable to gaming; to authorize gaming licensees to detain a person suspected of committing the crime of gaming when the person is under the age of twenty-one; to create the crime of using or manufacturing slugs or counterfeit chips or tokens; to create the crime of the manufacture, sale, or distribution of gaming materials intended for illegal use; to provide for applicability; to provide for penalties; to provide for definitions; to delete the provision of law requiring presence of an agent of the gaming board to be present all times during hours of operation at land-based casinos; to provide that a felony crime of violence is a basis for disqualification for granting a license, permit, or other board approval; to require key and non-key gaming employees be twenty-one years of age; to provide criminal penalties for allowing a person under the age of twenty-one to play slot machines in an eligible horse racing facility; to provide with respect to defenses; to prohibit the game of poker to be offered on slot machines at eligible horse racing facilities; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 795 by Representative Martiny

AMENDMENT NO. 1

In Senate Committee Amendment No. 11 proposed by the Senate Committee on Judiciary B and adopted by the Senate on June 11, 2003, on page 2, line 19, change "of" to "or"

AMENDMENT NO. 2

In Senate Committee Amendment No. 12 proposed by the Senate Committee on Judiciary B and adopted by the Senate on June 11, 2003, on page 2, line 39, change "herein" to "in R.S. 27:353"

**HOUSE BILL NO. 813—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 9:2801.1, relative to community property; to provide for the allocation of community property equal to the value of a pension or retirement plan when federal law precludes community classification.

Reported without amendments.

**HOUSE BILL NO. 816—**

BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 15:574.1 and 574.2(A)(3), relative to the traveling expenses of the members of the Board of Parole and the Board of Pardons; to provide that members of the Board of Parole and the Board of Pardons shall have the use of a state-owned vehicle; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 853—**

BY REPRESENTATIVES FARRAR, R. CARTER, FAUCHEUX, HEATON, AND WELCH  
AN ACT

To enact R.S. 13:996.60, relative to judicial expense fund accounts of the various district courts; to permit interest earned on money in other accounts of the district court to be deposited into the

judicial expense fund account; to provide for an exception; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 883—**

BY REPRESENTATIVE BROOME

AN ACT

To amend and reenact R.S. 33:2870, 2891.4, 4720.16(C), 4720.29(A), and 4720.30(C) and to enact R.S. 33:2881, 4720.16(D), and 4720.29(D), relative to the post-adjudication sale or donation of adjudicated property; to authorize the purchaser or donee of such property to record an affidavit relative to notice procedures; to provide relative to the cancellation of encumbrances recorded against such property and to require the clerks of court to cancel encumbrances recorded against such property; to exempt such property from certain provisions governing the transfer of property acquired by the state or political subdivisions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 884—**

BY REPRESENTATIVE HEATON

AN ACT

To enact Code of Criminal Procedure Articles 893(F) and 894(E) and R.S. 44:9(J), relative to expungement of criminal arrest records under the public records law; to provide for waiver of filing fees in certain cases; to provide for application; to provide for eligibility; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 906—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:1641(B) and (C) and 1642(A)(introductory paragraph) and (3), relative to the Louisiana District Attorneys' Retirement System; to provide relative to Deferred Retirement Option Plan subaccounts; to provide for the investment of funds in such subaccounts after a member ceases participation in the plan and the crediting of interest to such subaccounts; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 911—**

BY REPRESENTATIVES SCHNEIDER AND MCVEA

AN ACT

To amend and reenact R.S. 11:1516, relative to the Clerks of Court Retirement and Relief Fund; to provide with respect to the repayment of withdrawn accumulated employee contributions; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 915—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:822(E), relative to the Teachers' Retirement System of Louisiana; to provide with respect to election procedures for members of the board of trustees; to provide for dissemination of election information to system members; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 916—**

BY REPRESENTATIVE SCHNEIDER AND SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:779(B), relative to the Teachers' Retirement System of Louisiana; to provide with respect to deceased disability retirees; to provide for benefits for surviving minor children; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 995—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 11:558(A)(4) and (5) and to enact R.S. 11:558(A)(6), relative to judges and court officers who are members of the Louisiana State Employees' Retirement System; to provide for retirement of judges and court officers with ten years of creditable service upon attaining the age of sixty-five years; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1051—**

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact Code of Civil Procedure Article 1920, relative to court costs; to require the non-prevailing party to pay all costs if the suit is frivolous; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1051 by Representative Hebert

**AMENDMENT NO. 1**

On page 1, at the beginning of line 9, insert "A."

**AMENDMENT NO. 2**

On page 1, at the beginning of line 14, insert "B."

**HOUSE BILL NO. 1061—**

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 26:906(C), relative to the permit process for obtaining a registration certification or permit to sell tobacco products; to authorize a dealer or vending machine operator to pay the annual renewal fee for a registration certification or permit by check; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1061 by Representative Bowler

**AMENDMENT NO. 1**

In Senate Committee Amendment No. 4, proposed by the Senate on Judiciary C and adopted by the Senate on June 11, 2003, on line 11 between "to" and "R.S." insert quotation marks ""

**AMENDMENT NO. 2**

In Senate Committee Amendment No. 5, proposed by the Senate on Judiciary C and adopted by the Senate on June 11, 2003, on page 1, line 25, change "(5d)" to "(5d)"

**AMENDMENT NO. 3**

In Senate Committee Amendment No. 5, proposed by the Senate on Judiciary C and adopted by the Senate on June 11, 2003, on page 2, line 1, change "Sparkling" to "Sparkling"

**HOUSE BILL NO. 1077—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 27:312(C)(1)(b)(introductory paragraph) and to enact R.S. 33:171(C), relative to municipal annexations; to provide relative to monies distributed to certain parishes and municipalities from the Video Draw Poker Device Fund relative to such annexations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1085—**

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 33:3819(D), relative to the Ward Two Water District of the Parish of Livingston; to increase the maximum per diem authorized to be paid to members of the governing board of the district for attending board meetings; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1098—**

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 38:2181(D), relative to public contracts; to provide for the venue for suits to enjoin the award of a competitively bid contract; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1142—**

BY REPRESENTATIVE DOWNER

AN ACT

To enact R.S. 40:2405(F), relative to peace officer training requirements; to provide for a suspension of training requirements for certain Louisiana National Guard military police during certain emergency circumstances; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1171—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:442(3)(b), (c), and (d) and to repeal R.S. 48:442(3)(e), relative to expropriation by the Department of Transportation and Development; to delete references to the office of highways; to provide relative to the persons required to sign or approve certain information annexed to the petition to expropriate; to repeal requirements relative to mailing notification to property owners; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1188—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:62, relative to state and statewide retirement systems; to provide with respect to employee contribution rates; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1204—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:2180.2(C) and 2180.3(C)(3) and to enact R.S. 11:2178.1(C)(14) and 2180.5, relative to the Sheriffs' Pension and Relief Fund; to provide for calculation of Back-DROP benefits to assure compliance with the Internal Revenue Code, for an increase in the annual compensation limit subject to federal law that is used for purposes of certain calculations used in determining benefits, for the definition of "eligible retirement plan" for purpose of transfers of benefits, and for creation of an excess benefit plan; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1237—**

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact Code of Civil Procedure Articles 2332(A), 2636(1), and 3722 and to repeal Code of Civil Procedure Article 2639, relative to foreclosure; to provide for appraisals in judicial sales under fieri facias; to provide for authentic evidence in executory proceedings; to provide for enforcement by ordinary process; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1255—**

BY REPRESENTATIVE PEYCHAUD

AN ACT

To amend and reenact R.S. 9:2800(C) and (E), relative to limitations of liability for public entities; to provide a limitation of liability for public entities responding to reports of dangerous conditions; to provide definitions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1259—**

BY REPRESENTATIVE ILES

AN ACT

To amend and reenact R.S. 9:315.45(B)(1), relative to drivers' licenses; to provide relative to the suspension of a driver's license for nonpayment of child support; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1278—**

BY REPRESENTATIVES SCHNEIDER, DANIEL, AND TRICHE

AN ACT

To amend and reenact R.S. 11:103(B)(3)(e)(i), (ii), and (iv), relative to the Municipal Police Employees' Retirement System; to provide for the determination of the employer contribution rate; to change the period for amortization of certain changes in actuarial liability from fifteen years to thirty years; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1307—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 40:432 and to enact R.S. 40:384(28), relative to local housing authorities; to provide for definitions; to authorize the collection of criminal history record information on applicants for public housing and vouchers under Housing Choice Voucher programs; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1325—**BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:124 and 181 and to enact R.S. 11:183 through 185, relative to administration and duties of retirement boards and committees, to provide for state and statewide retirement systems and the Public Retirement Systems' Actuarial Committee; to provide for membership, administration, duties, and responsibilities; to provide for education; to provide for quorum requirements, meeting dates, and per diem; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1385—**BY REPRESENTATIVE GULLORY  
AN ACT

To enact R.S. 33:2866.1, relative to property adjudicated to parishes and municipalities; to provide relative to the payment of commissions to licensed realtors who assist parishes and municipalities in selling property adjudicated to them for nonpayment of taxes; to provide with respect to guidelines; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1395—**BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact Civil Code Article 113, relative to interim spousal support; to provide for the termination of support; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1426—**BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:449(C), 788(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1427—**BY REPRESENTATIVES POWELL, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN  
AN ACT

To amend and reenact Part II-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:471 through 478 and R.S. 36:629(E)(6), relative to strawberries; to provide for the membership, powers, and duties of the Strawberry Marketing Board; to provide for assessments on the sale of strawberries; to provide for powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1459—**BY REPRESENTATIVES THOMPSON, KATZ, AND MCDONALD  
AN ACT

To enact R.S. 40:573(12), relative to Housing Cooperation Law; to provide with respect to housing developments and

redevelopment projects; to provide for public hearings; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1463—**BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 27:306(A)(4)(c)(ii)(cc), relative to qualified truck stops for the operation of video draw poker devices; to provide for the number of hours per day the restaurant at a qualified truck stop must be open; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1487—**BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 40:1622, relative to fire protection and prevention; to provide for criminal and civil liability for violations; to provide for a rebuttable presumption; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1488—**BY REPRESENTATIVE FARRAR  
AN ACT

To amend and reenact R.S. 33:3817(B), relative to waterworks districts; to authorize the board of commissioners of such districts to employ a president and to fix his salary; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1564—**BY REPRESENTATIVE WALSWORTH  
AN ACT

To amend and reenact R.S. 46:236.5(C), relative to hearing officers; to provide for the use of hearing officers in expedited proceedings relative to domestic matters; to expand the authority of hearing officers; to provide for the entering of default judgments; to provide for the granting of uncontested matters; to authorize the referral for mediation, evaluations, and drug tests; to provide for contempt of court; to provide a process for objecting to a hearing officer's recommendations; to provide for final judgments; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1565—**BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact R.S. 33:461(A)(1), relative to the assessment and collection of municipal taxes; to provide that the city of Lake Charles may prorate municipal ad valorem taxes on property annexed into the city; to provide a basis upon which the taxes shall be prorated; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1617—**BY REPRESENTATIVE DEVILLIER  
AN ACT

To amend and reenact Civil Code Article 1833, relative to signatures on authentic acts; to require legible hand printed or typed names; to provide for defect of form; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1626—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:723.1(B), relative to the Teachers' Retirement System of Louisiana; to provide for actuarial purchase of service credit for certain service performed under contract; to provide relative to the time period during which such purchase may be made and procedures therefor; to provide an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1641—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact Code of Criminal Procedure Articles 262, 271(A), and 272, and to enact Code of Criminal Procedure Article 262.1 and 281, relative to extradition; to provide with respect to the authority of the governor in extradition cases; to provide with respect to admitting a person to bail in extradition cases; to provide with respect to the surrender of a person against whom a criminal prosecution is pending in this state; to provide authority to charge an extradited person with crimes other than the crime for which he was extradited; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1684—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:301 through 309, relative to state and statewide retirement systems; to reestablish the Commission on Public Retirement; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1720—**

BY REPRESENTATIVE FLAVIN

AN ACT

To enact R.S. 33:4045.1, relative to sewerage assessments in the city of Lake Charles; to provide relative to the payment and collection of such assessments; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1724—**

BY REPRESENTATIVE POWELL

AN ACT

To amend and reenact R.S. 15:572.2, relative to compensation of members of the Board of Pardons; increases the salaries of the chairman and the members of the Board of Pardons; provides for a separate salary and increased salary for the vice chairman; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1726—**

BY REPRESENTATIVE MORRELL

AN ACT

To enact R.S. 33:4071.1 and to repeal R.S. 33:4085(C), relative to the Sewerage and Water Board of New Orleans; to provide relative to certain contracts of the Sewerage and Water Board of New Orleans; to provide for certain approvals of certain contracts of the Sewerage and Water Board of New Orleans; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1741—**

BY REPRESENTATIVE PINAC

AN ACT

To enact Chapter 8-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:871 through 878, relative to delivery sales of cigarettes; to provide for definitions; to provide relative to the regulation of sales of cigarettes when such sale is made pursuant to an order placed by means of telephone or other voice transmission, mail or other delivery service, or the Internet or online service or when delivery is made by mail or by delivery service; to provide for penalties for violations; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1761—**

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 33:4138 and to enact R.S. 33:4071.1, relative to the city of New Orleans; to remove the debt ceiling of eighteen million dollars for the Sewerage and Water Board of New Orleans; to provide relative to certain contracts of the Sewerage and Water Board of New Orleans; to provide for certain approvals of certain contracts of the Sewerage and Water Board of New Orleans; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1762—**

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 33:4148 and to enact R.S. 33:4071.1, relative to the city of New Orleans; to remove the debt ceiling of sixty-eight million dollars for the Sewerage and Water Board of New Orleans; to provide relative to certain contracts of the Sewerage and Water Board of New Orleans; to provide for certain approvals of certain contracts of the Sewerage and Water Board of New Orleans; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1794—**

BY REPRESENTATIVE R. CARTER

AN ACT

To amend and reenact Code of Civil Procedure Article 970(C), relative to offer of judgment procedures; to provide for attorney fees; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1808—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact Code of Evidence Article 1001(3), relative to the contents of writings, recordings, and photographs; to include certain data within the definition of "original"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1811—**

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 11:752(A) and to enact R.S. 11:752(F) and 754(C), relative to the Teachers' Retirement System of Louisiana; to provide relative to unused annual and sick leave; to require payment for unused accumulated leave which cannot be converted to retirement credit; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1820—**BY REPRESENTATIVE M. JACKSON  
AN ACT

To enact Code of Evidence Article 518, relative to privileged communications; to provide for a testimonial privilege for certain communications made to a trained peer support member; to provide for definitions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1846—**BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 14:95.3, relative to the crime of unlawful use of body armor; to revise the provision of law which makes the use of body armor by persons who have been convicted of certain crimes a criminal offense; to provide that the possession of body armor by persons who have been convicted of certain crimes is a criminal offense; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1846 by Representative Fauchaux

**AMENDMENT NO. 1**

On page 2, line 10, change "Paragraphs (1) through (7) of this Subsection" to "Subparagraphs (a) through (g) of this Paragraph"

**AMENDMENT NO. 2**

On page 2, lines 13 and 14, change "Paragraphs (1) through (8) of this Subsection" to "Subparagraphs (a) through (h) of this Paragraph"

**AMENDMENT NO. 3**

On page 2, lines 20 and 21, change "Paragraphs (A)(1) through (9)" to "Subparagraphs (A)(1)(a) through (i)"

**HOUSE BILL NO. 1852—**BY REPRESENTATIVE R. CARTER  
AN ACT

To enact R.S. 13:996.60, relative to judicial expense funds of district courts; to establish a judicial expense fund for a district court comprised of two parishes with one parish having a population of between fourteen thousand seven hundred fifty and fifteen thousand two hundred fifty and one parish having a population between twenty-one thousand two hundred eighty and twenty-one thousand five hundred according to the most recent federal decennial census; to provide for assessment of fees in civil and criminal matters; to require the clerks of court to place all sums collected into a separate account designated as the judicial expense fund; to require annual audits; to provide for uses of the fund; to prohibit the use of the fund for salaries; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1854—**BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 35:12 and 191(C)(2)(a) and to enact R.S. 35:202, 215, 216, and 409, relative to notaries public; to provide for the use of identification numbers on notarized documents; to require the filing of annual reports and filing fees; to provide for late charges and penalties; to provide for uniform standards for notary examinations; to provide for the authority and duties of the secretary of state; to provide for certain fees; to provide for a database of all notaries; to provide for the authority of ex officio notaries; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1859—**BY REPRESENTATIVE WOOTON  
AN ACT

To amend and reenact R.S. 33:3001, relative to the limit on parish governing authority appropriations for certain fairs and festivals; to increase such limit; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1862—**BY REPRESENTATIVE PERKINS  
AN ACT

To amend and reenact R.S. 15:572(A) and (B), relative to pardons; to provide that a pardon shall not be issued to any person unless that person has paid all of the fees and fines which were imposed in connection with the conviction of the crime for which the pardon is to be issued; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1881—**BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:449(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1884—**BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 9:4753, relative to privileges; to provide for the lien on proceeds recovered on account of injuries; to provide for the requirements necessary to effectuate the lien; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1896—**BY REPRESENTATIVE PITRE  
AN ACT

To enact R.S. 9:2800.13, relative to liability for damages related to transportation of material by carrier; to provide for specific findings of fact; to provide for a determination of causation; to provide for evidence of negligence or fault; to provide for the applicability of comparative fault; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1916—**BY REPRESENTATIVE DARTEZ  
AN ACT

To amend and reenact R.S. 33:2333(B)(2)(a) and to repeal R.S. 33:2333(B)(3), relative to the disposition of stolen, seized, or relinquished property; to provide with respect to the disposition of noncontraband property; and to provide for related matters.

Reported without amendments.



**HOUSE BILL NO. 1969—**  
BY REPRESENTATIVE SCHWEGMANN  
AN ACT

To enact R.S. 33:9076, relative to improvement districts; to provide for the continued levy of certain taxes and fees that support certain improvement districts; to provide for voting requirements; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2016 (Substitute for House Bill No. 1060 by Representative Beard)—**  
BY REPRESENTATIVE BEARD  
AN ACT

To enact Chapter 17 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2391 through 2398, relative to reclaimed water; to establish a reclaimed water program; to provide for definitions; to prohibit the use of potable water for certain purposes if reclaimed water is available; to provide for the use of revenue collected from the sale of reclaimed water; to create a drought-proof supply of water for industry; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 2016 by Representative Beard

**AMENDMENT NO. 1**

On page 3, line 20, change "30:2398" to "30:2396"

**HOUSE BILL NO. 2020 (Substitute for House Bill No. 1546 by Representative Bowler)—**  
BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 9:2273, relative to trusts; to provide for the definition of corporate trustee; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2022 (Substitute for House Bill No. 1932 by Representative Daniel)—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 30:2015.1, relative to the remediation of usable ground water; to provide for purpose; to provide for notice of actions to recover damages for usable ground water contamination; to provide for certain state departments intervening or being made parties to such actions; to provide for remediation plans and response by certain state agencies; to provide for damages to be placed into the registry of the court; to provide for certain court costs; to provide for expenditure of funds from such registry; to provide for posting of bonds; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2026 (Substitute for House Bill No. 408 by Representative Martiny)—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 27:311(F), relative to the Video Draw Poker Devices Control Law; to exempt device owners from maintaining a minimum balance or security under certain conditions; to provide penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2027 (Substitute for House Bill No. 466 by Representative Martiny)—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 27:317 and to enact R.S. 27:302.1, relative to the Video Draw Poker Devices Control Law; to provide that certain parts for video draw poker devices can be purchased from sources other than licensed manufacturers and distributors; to delete residence and domicile requirements for certain licensees; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2030 (Substitute for House Bill No. 1083 by Representative Powell)—**  
BY REPRESENTATIVE POWELL  
AN ACT

To enact Subpart B-33 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.611 through 130.619, to create the Hammond Area Economic and Industrial Development District; to provide relative to the boundaries and purposes of the district; to provide relative to the governing authority of the district and its powers and duties; to provide relative to taxes to be levied and collected in the district; to provide relative to the issuance of bonds; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 2030 by Representative Powell

**AMENDMENT NO. 1**

On page 17, line 3, following "Minority" insert "and Women's"

**HOUSE BILL NO. 2032 (Substitute for House Bill No. 1593 by Representative Flavin)—**  
BY REPRESENTATIVE FLAVIN  
AN ACT

To enact Subpart M of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:140.201 through 140.207, relative to physical development of parishes and municipalities; to provide with respect to the creation of a metropolitan planning commission in the parish of Calcasieu; to provide for the creation, organization, powers, and duties of a metropolitan planning commission; to provide with respect to the regulation of the subdivision and zoning of land in the metropolitan planning area; to provide for the adoption of ordinances prescribing minimum construction, health, and sanitation standards; to provide for joint or correlated action by the governing authority of any municipality within the parish and the police jury of Calcasieu Parish in the adoption of ordinances or other measures; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ADOPTION OF  
CONFERENCE COMMITTEE REPORT**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has adopted the Report of the Conference Committee on the disagreement to Senate Bill No. 568.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Message from the House**

**RECOMMITT COMMITTEE REPORT**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has recommitted the bill to the Conference Committee on the disagreement to Senate Bill No. 214.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 70—  
BY SENATOR C. JONES**

**A RESOLUTION**

To urge and request the Louisiana Department of Economic Development to create a study commission to make recommendations for funding and implementing a viable economic development and job creation plan for the Louisiana Delta parishes.

The resolution was read by title; lies over under the rules.

**SENATE RESOLUTION NO. 71—**

BY SENATORS DARDENNE, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Mrs. Doris Kernan Hall Dean.

On motion of Senator Dardenne, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 136—**

BY SENATOR THOMAS

**A CONCURRENT RESOLUTION**

To urge and request the Department of Insurance, the Department of Health and Hospitals, the Department of Labor, the division of administration, the Department of Economic Development, and the Department of Social Services to work together in order to develop proposals and recommendations to increase private employer contributions for employee health insurance.

The resolution was read by title. Senator Thomas moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	Thomas
Ellington	Malone	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fontenot	Johnson
Bean	Irons	Jones, CD
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 1075—**

BY REPRESENTATIVES BROOME, MORRELL, AND MURRAY  
**AN ACT**

To enact R.S. 17:421.9, relative to public school social workers; to provide a salary supplement for certain public school social workers who have acquired certification by the National Association of Social Workers; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; to provide for effectiveness; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

### House Bills and Joint Resolutions

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

#### HOUSE BILL NO. 1075—

BY REPRESENTATIVES BROOME, MORRELL, AND MURRAY  
AN ACT

To enact R.S. 17:421.9, relative to public school social workers; to provide a salary supplement for certain public school social workers who have acquired certification by the National Association of Social Workers; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; to provide for effectiveness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

### Messages from the House

The following Messages from the House were received and read as follows:

#### Message from the House

#### ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

#### HOUSE CONCURRENT RESOLUTION NO. 237—

BY REPRESENTATIVE WELCH  
A CONCURRENT RESOLUTION

To recognize Tuesday, June 17, 2003, as a Day of Prayer and Comfort in support of the families and friends of Trineisha Dené Colomb, Gina Wilson Green, Pam Kinamore, Charlotte Murray Pace, and Carrie Lynn Yoder and to provide for suitable observance of this special day.

#### HOUSE CONCURRENT RESOLUTION NO. 238—

BY REPRESENTATIVE THOMPSON  
A CONCURRENT RESOLUTION

To commend the University of Louisiana at Monroe for having developed the expertise and facilities to teach precision farming management practices and to encourage the teaching of precision farming management practices in all Louisiana colleges and universities.

#### HOUSE CONCURRENT RESOLUTION NO. 240—

BY REPRESENTATIVE JOHNS  
A CONCURRENT RESOLUTION

To commend Dennis Trahan upon his many accomplishments and particularly upon the celebrated and memorable occasion of his induction into the Louisiana Fast Pitch Softball Hall of Fame.

#### HOUSE CONCURRENT RESOLUTION NO. 241—

BY REPRESENTATIVES GALLOT, DOWNS, AND FANNIN AND  
SENATOR B. JONES

#### A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mary Ardistine Fowler Beasley of Ruston.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

### House Concurrent Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

#### HOUSE CONCURRENT RESOLUTION NO. 237—

BY REPRESENTATIVE WELCH  
A CONCURRENT RESOLUTION

To recognize Tuesday, June 17, 2003, as a Day of Prayer and Comfort in support of the families and friends of Trineisha Dené Colomb, Gina Wilson Green, Pam Kinamore, Charlotte Murray Pace, and Carrie Lynn Yoder and to provide for suitable observance of this special day.

The resolution was read by title. Senator Fields moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Ullo
Total—30		

#### NAYS

Total—0

#### ABSENT

Bajoie	Holden	Marionneaux
Bean	Johnson	Schedler
Fontenot	Jones, CD	Thomas
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

#### HOUSE CONCURRENT RESOLUTION NO. 238—

BY REPRESENTATIVE THOMPSON  
A CONCURRENT RESOLUTION

To commend the University of Louisiana at Monroe for having developed the expertise and facilities to teach precision farming management practices and to encourage the teaching of precision farming management practices in all Louisiana colleges and universities.

The resolution was read by title. Senator Barham moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Malone
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Dardenne	Hoyt	Smith
Dean	Irons	Tarver
Dupre	Jones, B	Theunissen
Ellington	Lambert	Ullo
Fields	Lentini	
Total—29		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fontenot	Schedler
Bean	Johnson	Thomas
Boissiere	Jones, CD	
Cravins	Marionneaux	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 240—**  
BY REPRESENTATIVE JOHNS

**A CONCURRENT RESOLUTION**

To commend Dennis Trahan upon his many accomplishments and particularly upon the celebrated and memorable occasion of his induction into the Louisiana Fast Pitch Softball Hall of Fame.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Ullo
Total—30		

**NAYS**

Total—0

**ABSENT**

Bajoie	Holden	Marionneaux
Bean	Johnson	Schedler
Fontenot	Jones, CD	Thomas
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 241—**

BY REPRESENTATIVES GALLOT, DOWNS, AND FANNIN AND SENATOR B. JONES

**A CONCURRENT RESOLUTION**

To express the condolences of the Legislature of Louisiana upon the death of Mary Ardistine Fowler Beasley of Ruston.

The resolution was read by title. Senator B. Jones moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Malone
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Dardenne	Hoyt	Smith
Dean	Irons	Tarver
Dupre	Jones, B	Theunissen
Ellington	Lambert	
Fields	Lentini	
Total—28		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fontenot	Schedler
Bean	Johnson	Thomas
Boissiere	Jones, CD	Ullo
Cravins	Marionneaux	
Total—11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**JUDICIARY C**

Senator Lentini, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

**HOUSE BILL NO. 1984—**

BY REPRESENTATIVE GARY SMITH  
AN ACT

To enact R.S. 14:30(A)(8), relative to homicide; to provide with respect to the crime of first degree murder; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1987—**

BY REPRESENTATIVE SCALISE

AN ACT

To amend and reenact R.S. 15:831(A) and to enact R.S. 15:831(D), relative to medical care of inmates; to prohibit the use of state funds for medical costs associated with organ transplants; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**REPORT OF COMMITTEE ON****FINANCE**

Senator Dardenne, Chairman on behalf of the Committee on Finance, submitted the following report:

June 11, 2003

To the President and Members of the Senate:

I am directed by your Committee on Finance to submit the following report:

**HOUSE BILL NO. 1968—**

BY REPRESENTATIVE LEBLANC

AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2002-2003 Fiscal Year; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JAY DARDENNE  
Chairman

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Dardenne asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

**HOUSE BILL NO. 1968—**

BY REPRESENTATIVE LEBLANC

AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2002-2003 Fiscal Year; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 1968 by Representative LeBlanc

**AMENDMENT NO. 1**

On page 1, line 8, change "Section 1." to "Section 1.A."

**AMENDMENT NO. 2**

On page 1, between lines 10 and 11, insert the following:

"B. The commissioner of administration is hereby authorized and directed to reduce the State General Fund (Direct) appropriations contained in Section 1 of this Act by a total amount of \$14,400,000 and to increase the Federal Funds means of financing for such appropriations by a like amount. Such adjustments in means of financing may only be made for purposes which provide essential government services or which cover state costs of complying with any federal intergovernmental mandate (as defined in Section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the state, and the federal government has not provided funds to cover the costs. Such adjustments must be consistent with the certifications provided by the state to the secretary of the Treasury that the proposed use of funds to be received by the state under Federal Temporary State Fiscal Relief in Federal Fiscal Years 2003 and 2004 are consistent with federal requirements and shall not be made prior to such certification."

**AMENDMENT NO. 3**

On page 1, between lines 11 and 12, insert the following:

"01-107 DIVISION OF ADMINISTRATION

Payable out of the State General Fund (Direct)  
to the Executive Administration Program for the  
implementation of Phase 2 of the BRASS database  
for the Office of Planning and Budget \$100,000"

**AMENDMENT NO. 4**

On page 1, at the end of line 19, change "550,000" to "700,000"

**AMENDMENT NO. 5**

On page 6, line 8, change "Louisiana Fund" to "State General Fund (Direct)"

**AMENDMENT NO. 6**

On page 6, after line 46, insert the following: "Provided, however, that of the appropriations contained above for the Payments to Private Providers program for the payment of hospital cost reports and the payment of hospital "outlier" reimbursements, the Department of Health and Hospitals is hereby directed to first make the necessary payments to fully restore the reductions implemented in the current fiscal year to the Medicaid reimbursement rates for inpatient hospital services before making the payments for hospital cost reports and hospital "outlier" reimbursements."

**AMENDMENT NO. 7**

On page 7, delete lines 20 through 26 in their entirety

**AMENDMENT NO. 8**

On page 7, line 36, change "Statutory Dedications from the Louisiana Fund" to "Federal Funds"

**AMENDMENT NO. 9**

On page 9, at the end of line 5, change "284" to "1,144"

**AMENDMENT NO. 10**

On page 9, at the end of line 9, change "822" to "3,314"

**AMENDMENT NO. 11**

On page 9, at the end of line 13, change "248" to "999"

**AMENDMENT NO. 12**

On page 9, at the end of line 18, change "1,309" to "5,274"

**AMENDMENT NO. 13**

On page 9, at the end of line 23, change "1,306" to "5,261"

**AMENDMENT NO. 14**

On page 9, at the end of line 29, change "2,128,719" to "9,129,904"

**AMENDMENT NO. 15**

On page 10, between lines 18 and 19, insert the following:

"Payable out of the State General Fund by Statutory Dedications from the Education Excellence Fund for distribution to city, parish, and other local school systems in accordance with Art. VII, Section 10.8(A)(1)(d) and (C)(3)(d) of the Constitution of Louisiana \$ 17,444,859

Provided, however, that if and only if a re-hearing is granted and a decision is rendered in the case "East Baton Rouge Parish School Board and Calcasieu School Board v. Murphy J. "Mike" Foster, Jr., et al.", bearing docket number 2002-CA-2799 of the Supreme Court of Louisiana, reversing the trial court judgment, and rendering judgment denying the plaintiffs' request for a permanent injunction and declaring Act 26 of the 2002 Regular Session constitutional, this appropriation shall be transferred to the Department of Education, Nonpublic Educational Assistance (Schedule 19-697) and distributed in accordance with Art. VII, Section 10.8(C)(3)(a) of the Constitution of Louisiana."

### AMENDMENT NO. 16

On page 10, at the end of line 22, change "406,669" to "1,640,645"

### AMENDMENT NO. 17

On page 11, delete lines 24 and 25, and insert in lieu thereof the following:

"Section 2. The sum of Thirty-four Million and No/100 (\$34,000,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State General Fund (Direct) and the sum of Sixty-six Million Four Hundred Thousand and No/100 (\$66,400,000.00) Dollars, or so much thereof as may be necessary, is"

### AMENDMENT NO. 18

On page 12, at the beginning of line 17, change "\$123,000" to "\$323,000"

### AMENDMENT NO. 19

On page 12, between lines 23 and 24, insert the following:  
"University of New Orleans Foundation for an Urban Routes project to organize cultural tourism

\$130,000

New Orleans Job Initiatives for an initiative to develop and implement a program to attract disadvantaged citizens in the New Orleans area to the Allied Health fields

\$70,000"

### AMENDMENT NO. 20

On page 13, line 8, change "646,963" to "896,653"

### AMENDMENT NO. 21

On page 13, delete lines 12 through 27 and on page 14, delete lines 1 and 2 and insert the following:

"Section 6. Notwithstanding the provisions of Act 152 of the First Extraordinary Session of 2002, Schedule 10-355 to the Office of Family Support out of Federal Funds from the Temporary Assistance for Needy Families Supplemental Grant, or any other Act, action or agreement, or the carryforward of any monies from such allocation, the allocation in the amount of \$5,000,000 contained in Act 152 to the Louisiana Community and Technical College Board of Supervisors is hereby amended and reenacted to read as follows:

To the Louisiana Community and Technical Colleges Board of Supervisors to provide training to low-income parents in targeted cluster areas and demand occupations which training shall be developed in collaboration with the Department of Economic Development,

the Workforce Commission, and other agencies \$2,300,000

To the Department of Social Services, Office of Family Support to be used for the implementation and transition from the FINDWORK Program to the Strategies To Empower People (STEP) Program \$2,700,000"

On motion of Senator Dardenne, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

### **HOUSE BILL NO. 1984—**

BY REPRESENTATIVE GARY SMITH  
AN ACT

To enact R.S. 14:30(A)(8), relative to homicide; to provide with respect to the crime of first degree murder; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

### **HOUSE BILL NO. 1987—**

BY REPRESENTATIVE SCALISE  
AN ACT

To amend and reenact R.S. 15:831(A) and to enact R.S. 15:831(D), relative to medical care of inmates; to prohibit the use of state funds for medical costs associated with organ transplants; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

## **House Bills and Joint Resolutions on Second Reading Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

### **HOUSE BILL NO. 107—**

BY REPRESENTATIVE WELCH  
AN ACT

To enact R.S. 9:3577.3(C), relative to credit card solicitation; to prohibit credit card issuers from offering inducements to students; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

### **HOUSE BILL NO. 515—**

BY REPRESENTATIVE PINACH  
AN ACT

To enact R.S. 14:331.1 and to repeal Part XV of Chapter 2 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:3573.1 through 3573.16, relative to credit repair services; to prohibit the business of credit repair services in the state; to provide for exceptions; to provide for penalties for violations; to provide relative to the Office of Financial Institutions; to repeal licensing and regulatory requirements; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

## **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 515 by Representative Pinac

#### AMENDMENT NO. 1

On page 1, delete lines 2 through 9 and insert the following:

"To amend and reenact R.S. 9:3573.1, 3573.2(A)(4) and (B)(2), 3573.4(A) and (B), 3573.9, 3573.10(C), 3573.11, and 3573.14, and to enact R.S. 9:3573.2-A, 3573.3(7),(8), (9), (10), and (11), 3573.4(G), and 3573.17, and to repeal 9:3573.5(D) and (E), relative to credit repair services; to provide for legislative purpose, to provide for licensure; to provide for fees; to provide for prohibited conduct; to provide for filing of bond or trust accounts; to provide for the powers of the commissioner; to provide for actions for damages; to provide for penalties; to provide for electronic publication; to provide for notification; and to provide for related matters."

#### AMENDMENT NO. 2

On page 1, delete lines 10 through 15 and insert the following:

"Section 1. R.S. 9:3573.1, 3573.2(A)(4) and (B)(2), 3573.4(A) and (B), 3573.9, 3573.10(C), 3573.11, and 3573.14 are hereby amended and reenacted and R.S. 9:3573.2-A, 3573.3(7),(8),(9), (10), and (11), 3573.4(G), and 3573.17 are hereby enacted to read as follows:

##### §3573.1. Short title; Purpose

A. This Part shall be known and may be cited as the "Credit Repair Services Organizations Act".

B. The Legislature of Louisiana does hereby declare that it is in the best interest of the citizens of the state to protect consumers in their efforts to improve their credit record, history, and rating. The purpose of this Part is to promote the safety and welfare of the people of this state by providing for regulatory oversight in an area in which unqualified or unscrupulous individuals may injure or mislead the public.

##### §3573.2. Definitions; exemptions

A. As used in this Part, the following terms shall have the following meanings:

\* \* \*

(4) "Credit repair services organization" means a person who, with respect to a buyer, in return for the payment of money or other valuable consideration, directly or indirectly, provides or represents that he can or will, directly or indirectly, provide any of the following services:

(a) Improving a buyer's credit record, history, or rating.

(b) Advice or assistance to a buyer with regard to improving a buyer's credit record, history, or rating, including the sale of a self-help instructional guide.

\* \* \*

B. The following are exempt from this Part:

\* \* \*

(2) A licensed lender or other person authorized to make or broker loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the National Housing Act (12 U.S.C. Section 1701 et seq.), provided the credit repair service is in connection with a loan and no additional fee is charged.

\* \* \*

§3573.2-A. License; renewal; application; change of location; change of name; fees

A. No person shall conduct business as a credit repair services organization without first having obtained a license from the commissioner and paying a five hundred dollar application fee.

B. (1) No license shall be issued unless the commissioner, upon investigation, finds that the financial responsibility, character, and fitness of the applicant, its owners, its partners if the applicant is a partnership, its members if the applicant is a limited liability company, and its officers and directors if the applicant is a

corporation, are such as to warrant a belief that the business will be conducted honestly and fairly within the purposes of this Part. The commissioner may grant restricted or conditional licenses.

(2)(a) Upon written request, an applicant may seek a hearing on the question of his qualification for a license if either:

(i) The commissioner has notified the applicant in writing that his application has been denied.

(ii) The commissioner has not issued a license within sixty days of the date a complete application was filed.

(b) A request for a hearing may not be made more than thirty days after the applicant has received the written notice notifying him that the application was denied and stating the commissioner's findings in support of the denial of the application.

C. Every application for a license shall contain such information as the commissioner may require to determine if the applicant qualifies for a license.

D. Annually by November first each credit repair services organization shall file a renewal application and pay a renewal fee of four hundred dollars. An annual renewal application received by the commissioner postmarked after December first shall be accompanied by a late filing fee of two hundred dollars, in addition to the annual renewal fee.

E. If the annual renewal application and renewal fee is not received postmarked by December thirty-first, the license shall lapse without a hearing or notification, and the license shall not be reinstated; however, the person whose license has lapsed may apply for a new license. No new license shall be issued upon the filing of a new application by any person against whom any penalty or fee has been imposed unless and until such penalty or fee previously accrued under this Section has been paid.

F. A license cannot be sold or transferred by any means.

G. A credit repair services organization shall not change location or change its name without prior written approval of the commissioner. A fee of one hundred dollars is required to change a location or name. In addition to the one hundred dollar fee, a penalty of two hundred dollars shall be paid if prior written approval is not obtained.

##### §3573.3. Prohibited conduct

A credit repair services organization or a salesperson, agent, or representative of a credit repair services organization, who sells or attempts to sell the services of a credit repair services organization shall not:

\* \* \*

(7) Directly or indirectly, as determined by the commissioner, through any affiliate, subsidiary, related person, or otherwise, charge or receive any money or other consideration or thing of value for the performance of any service which the credit repair services organization has agreed to perform, or represented that it will perform, for any buyer before such service is fully performed.

(8) As determined by the commissioner, structure a transaction with a buyer in such a manner as to attempt to circumvent the provisions of this Part.

(9) Divide a transaction into multiple transactions, as determined by the commissioner, such as by attempting to sell or selling any publication, including, but not limited to, any book, pamphlet, or electronic or computer guide, related in any way to improving a buyer's credit record, history, or rating, to a buyer and, directly or indirectly, through any affiliate, subsidiary, related person, or otherwise, providing services to the buyer to assist him in utilizing or implementing the information or directions contained therein, unless all charges and fees related to such sale and service combined do not exceed the bona fide costs for publishing the copy of such publication.

(10) As determined by the commissioner, violate any provision of the federal Credit Repair Organizations Act, 15 U.S.C.1679 et seq., as amended. Any violation of such Act shall constitute a violation of state law.

(11) Dispute a particular item on a buyer's credit report more than once during the term of the contract entered into between the credit repair services organization and a buyer.

##### §3573.4. Bond; trust account

A. All credit repair services organizations required to be registered with licensed by the commissioner by this Part shall obtain a surety bond or establish a trust account as provided in this Section.

B. A copy of the bond shall be filed with the state of Louisiana, Department of the Treasury Office of Financial Institutions. If a trust account is established, a notarized or otherwise official notification of the deposit by the depository institution shall be filed with the Department of the Treasury Office of Financial Institutions. Such notification shall include, at a minimum, the name of the financial institution, name of the credit repair services organization, account number, and verification that the account is established in accordance with the terms set forth in this Section.

\* \* \*

G. The credit repair services organization shall notify the commissioner in writing within thirty days after it has ceased to do business in this state. The surety bond or trust account shall be maintained for two years after the date that the credit services organization ceases operations or the date that it has filed notice with the office of financial institutions, whichever is later.

\* \* \*

§3573.9. Powers of the commissioner

A. (1) The commissioner shall have the power to examine all books, records, and accounts of all persons regulated under this Part. In addition to maintaining a copy of the contract signed by the buyer and a copy of all correspondence pertaining to the efforts made by the credit repair services organization to improve the buyer's credit rating, the commissioner may prescribe by rule additional record keeping requirements as deemed necessary to determine compliance with this Part.

(2)(a) Each credit repair services organization required to be licensed under this Part shall maintain in its offices such books, records, and accounts of its credit repair services activities as the commissioner may require in order to determine whether such credit repair services organization is complying with the provisions of this Part and the rules and regulations promulgated under the provisions of this Chapter, including, but not limited to, copies of all documentation regarding customer transactions, itemization of all monies received and disbursed, and documentation showing what services were performed for all monies received.

(b) Such books, records, and accounts shall be maintained separate and apart from any other business in which the organization is involved and shall be kept at the location in the state at which the credit repair services activity occurred or at the organization's principal office unless otherwise permitted in writing by the commissioner. If the credit repair services organization's books, records and accounts are located outside the state, the organization, at the commissioner's option, shall make them available to the commissioner at a location within the state convenient to the commissioner, or pay the reasonable and necessary expenses for the commissioner or his representatives to examine them at the place where they are maintained.

(c) Each reproduction of any book, record, or account shall be treated for all purposes as if it were the original of the same.

B. The commissioner may, after a hearing pursuant to After notice and opportunity to be heard as provided in the Administrative Procedure Act, the commissioner may revoke or suspend the registration of a credit repair services organization upon a finding that the organization violated a provision of this Part or a rule or regulation of the commissioner issued pursuant thereto, that:

(1) Violates, in substance or in form, any of the provisions of this Part or any rule or regulation promulgated, or any order, including a cease and desist order, issued, pursuant to this Chapter or the provisions of 15 USC 1679.

(2) Violates, in substance or in form, any provision of a voluntary consent or compliance agreement which has been entered into with the commissioner.

(3) Has knowingly provided or caused to be provided to the commissioner any false or fraudulent misrepresentation of material fact or any false or fraudulent financial statement, or has suppressed or withheld from the commissioner any information which if

submitted by him would have resulted in denial of the license application.

(4) Refuses to permit an examination by the commissioner of his books and affairs, or has refused or failed within a reasonable time to furnish any information or make any report that may be required by the commissioner under the provisions of this Part.

(5) Fails to maintain records as required by the commissioner after being given written notice and thirty days within which to correct the failure. The commissioner may grant, on good cause shown, up to two thirty-day extensions within which to correct the record keeping violations.

(6) Continues in office any individual with power to direct the management or policies of a person regulated by the Part, including but not limited to any officer, director, or manager, if such individual is convicted of, pleads guilty to, or is found guilty after a plea of nolo contendere of any felony under any state or federal law which involves moral turpitude or which involves any aspect of the credit repair services organization business.

(7) Violates any provision of a regulatory or prohibitory statute and has been found to have violated such statute by the governmental agency responsible for determining such violations.

(8) Misrepresents material facts or makes false promises likely to influence, persuade, or induce an applicant into a credit repair services transaction, or pursues a course of misrepresentation through agents or otherwise.

(9) Misrepresents or conceals material facts, terms, or conditions of a transaction to which he is a party, pertinent to an applicant for a credit repair services organization.

(10) Knowingly engages in any transaction, practice, or course of business which perpetrates a fraud upon any person in connection with any credit repair services transaction.

(11) Fails to pay any fee or assessment imposed by this Part or by any rule or regulation promulgated in accordance with this Chapter.

(12) Violates, in substance or in form, the written restrictions or conditions under which the license was issued.

(13) Fails, after notice and without lawful excuse, to obey any order or subpoena issued by the commissioner.

(14) Advertises as a credit repair services organization without being properly licensed as required by this Part or advertises as a credit repair services organization in a manner determined by the commissioner, in his discretion, to be in violation of any provision of this Part or any rule or regulation promulgated pursuant to this Chapter or 15 USC 1679.

C. The commissioner may report egregious violations to the attorney general or to the district attorney of the appropriate parish, who may institute the proper proceedings to enjoin the violation and enforce the penalties provided for in this Section.

D. The office of financial institutions may issue advisory opinions and interpretations regarding this Part, and such advisory opinions and interpretations shall not be considered rules requiring compliance with the rulemaking process of the Louisiana Administrative Procedure Act. The commissioner and the employees of the office of financial institutions shall have no liability to any person with respect to an advisory opinion or interpretation issued in connection with this Part.

E. Any person who acts as a credit repair services organization without complying with the provisions of this Part shall be subject to forfeiture of the compensation attributable to a particular client and received by the credit repair services organization in connection with credit repair services activity for that client.

F. All grounds for suspension or revocation listed in Subsection B of this Section are violations of this Part and may serve as the basis for any other enforcement action provided to the commissioner by this Chapter.

G. The commissioner may share information about any particular entity which is licensed by the commissioner in the manner provided for in R.S. 9:3518.1.

E.H. When the commissioner has cause to believe that any person has violated or is violating any provision of this Part, he may, in addition to the other powers conferred upon him: (1) Request



request such person to file a statement or report in writing under oath or otherwise, on forms prescribed by him, as to all facts and circumstances concerning the sale or advertisement of services by any credit repair services organization and any other data and information he deems necessary.

~~(2) Prior to the filing of a complaint, I (2) The commissioner shall have the power to issue subpoenas to any person for the purpose of discovering violation in this Part, and to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry, administer oaths, and examine under oath any person in connection with the sale of services by any credit repair services organization.~~

~~D (2) Service of any notice, order, or subpoena may be made in the manner prescribed by law or under the Louisiana Code of Civil Procedure by personal service or certified mail.~~

J. The commissioner may make and promulgate rules and regulations as he deems necessary to carry out the provisions of this Part, including but not limited to, the following:

- (1) Providing for definitions.
- (2) Establishing licensure requirements.
- (3) Providing for bond and trust account requirements.
- (4) Addressing issues regarding transaction disclosures.
- (5) Establishing fees and assessments.
- (6) Addressing issues regarding forms and terms of contracts.
- (7) Providing for administrative and enforcement actions.
- (8) Addressing issues regarding advertising as a credit repair services organization.

(9) Providing for records retention requirements.

K. The commissioner may enter into cooperative and reciprocal agreements with the regulatory authorities of the federal government or of any state for the periodic examination of persons engaging in the business of credit repair and may accept reports of examination and other records from such authorities in lieu of conducting his own examinations. The commissioner may enter into joint actions with other regulatory bodies having concurrent jurisdiction or may enter into such actions independently to carry out his responsibilities under this Part and assure compliance with the laws of this state.

L. In addition to any other authority conferred upon the commissioner by this Part or this Chapter, the commissioner may order refunds of the unauthorized portion of any fee or charge a person collects in violation of this Part, and may impose a penalty not exceeding one thousand dollars per violation upon any person who he has determined to have committed such violation. For purposes of this Subsection, each unauthorized fee or charge shall be considered a violation.

#### §3573.10. Action for damages

\* \* \*

C. A person who is entitled to recover damages, costs, or attorney fees from a credit repair services organization may petition the Louisiana Department of the Treasury Office of Financial Institutions for relief under any surety bond established pursuant to R.S. 9:3573.4.

§3573.11. ~~Injunction Orders, injunctions, and publication.~~  
Availability of records to the general public.

A. ~~The commissioner or~~ A buyer may bring an action in a court to enjoin a violation of this Part.

B. The commissioner may, in his discretion, conduct such investigations as he deems necessary to ascertain possible violations of this Part or any rule, regulation, or order promulgated or issued pursuant to this Chapter. Any person who is engaged in or is engaging in or is about to engage in any act or practice which is prohibited by this Part or any rule, regulation, or order promulgated or issued pursuant to this Chapter, or any person who has failed to act or is failing to act or is about to fail to act under any affirmative duty imposed by this Part or any rule, regulation, or order promulgated or issued pursuant to this Chapter, shall be subject to appropriate action by the commissioner. Such action shall include, but shall not be limited to, the issuance of orders to cease and desist or to assess civil money penalties, entering into compliance agreements, seeking

injunctive relief from a court of competent jurisdiction, or any combination thereof.

C. The commissioner shall make available for inspection by the general public, electronically or otherwise, any and all final orders and/or decisions arising from any violation of this Part, with respect to the following exclusively enumerated actions:

- (1) Cease and desist orders.
- (2) Denial of an application for licensure, notification, or exemption.
- (3) Revocation or suspension of a license, notification, or exemption.
- (4) Assessment of civil money penalties and/or fines.
- (5) Obtaining injunctive relief.
- (6) Unlicensed activities.

\* \* \*

#### §3573.14. Burden of proving exemption

A. In an action under this Part, the burden of proving an exemption under R.S. 9:3573.2(B) shall be on the person claiming the exemption.

B. In order to prove an exemption under R.S. 9:3573.2(B)(1), the person claiming the exemption must provide, in addition to any other requirements listed thereunder, clear and convincing proof to the commissioner that it acts and will act solely for a nonprofit purpose which must be stated in its articles of incorporation, and that it has obtained tax exempt status under state and federal law. Only bona fide nonprofit corporations engaged only in debt adjusting shall be eligible to be considered for this exemption. An entity which engages in business as both a debt adjuster exempt from the provisions of R.S. 14:331 and as a credit repair services organization must comply with the provisions of this Part.

\* \* \*

#### §3573.17. Notification or service

Whenever a person becomes licensed by the commissioner, pursuant to this Part, such person shall provide a physical address to the commissioner that may be used as a basis for service or notification of any order or other issuance or communication by the commissioner to such person. Whenever such person changes his physical address, he must notify the commissioner at least thirty days prior to the change. Notification or service of any order, notice, or other issuance or communication by the commissioner by certified mail to the address most recently provided to him by the person shall satisfy all requisites of service required for any registration, administrative, enforcement, or other action, undertaken by him pursuant to the Louisiana Administrative Procedure Act or otherwise, in connection with such person.

Section 2. R.S. 9:3573.5(D) and (E) are hereby repealed in their entirety.

Section 3. This Act shall become effective on December 31, 2003; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on December 31, 2003, or on the day following such approval by the legislature, whichever is later."

#### AMENDMENT NO. 3

Delete pages 2 through 4 in their entirety.

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 576—

BY REPRESENTATIVES LEBLANC, DEWITT, HAMMETT, AND MURRAY  
A JOINT RESOLUTION

Proposing to amend Article III, Section 11 of the Constitution of Louisiana, relative to the legislative auditor; to prohibit certain political activities by the legislative auditor and his employees; to prohibit any former legislative auditor from qualifying for elected public office for a certain time period; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

## HOUSE BILL NO. 725—

BY REPRESENTATIVE BOWLER

### AN ACT

To amend and reenact R.S. 22:636.1(B)(2), 636.2(D), 1466(A), and 1471 and to enact R.S. 22:636.2(E), 636.9, and 636.10, relative to the cancellation of insurance policies; to provide for property and casualty insurance; to provide for automobile insurance; to provide for homeowner's insurance; to provide for premiums, deductibles, and surcharges; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 725 by Representative Bowler

#### AMENDMENT NO. 1

On page 1, line 2, delete "1471" and insert in lieu thereof the following: "R.S. 40:1428(A)"

#### AMENDMENT NO. 2

On page 1, line 4, delete "cancellation of" and after "policies;" insert "to provide for cancellation of policies;"

#### AMENDMENT NO. 3

On page 1, line 7, after "surcharges;" insert "to provide for investigations involving fraud and subsequent cancellation of policies;"

#### AMENDMENT NO. 4

On page 1, line 9, delete "1471" and insert in lieu thereof the following: "R.S. 40:1428(A)"

#### AMENDMENT NO. 5

On page 2, line 18, delete "five" and insert "three"

#### AMENDMENT NO. 6

On page 2, line 20, delete "five" and insert "three"

#### AMENDMENT NO. 7

On page 4, delete lines 7 through 18 and insert the following:

"§1428. Special assessment; creation of fund

A.(1) \* \* \*

(4)(a) \* \* \*

(b) Except as otherwise provided in Subparagraph (a) of this Paragraph, the fees collected shall be used solely for the purposes of this Subpart and shall be allocated as follows:

(i) Seventy-five percent of the fees collected shall be allocated to the insurance fraud investigation unit within the office of state police. Three hundred thousand dollars of the monies derived from fees allocated to the insurance fraud investigation unit within the office of state police under the provisions of this Paragraph shall be allocated to the State Police Pension and Retirement System.

\* \* \*

On motion of Senator Tarver, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

## HOUSE BILL NO. 802—

BY REPRESENTATIVE TRICHE

### AN ACT

To enact Subpart B of Part VII of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1485.1 through 1485.8, relative to carnivals and amusements; to create the Louisiana Carnival and Amusement Rider Safety Act; to require riders of carnival and amusement rides to notify carnival and amusement owners of injuries sustained on rides; to provide for a code of conduct for riders of carnival and amusement rides; to require owners of certain carnivals and amusements to post notices; to provide for criminal penalties for violations of certain rules; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 802 by Representative Triche

#### AMENDMENT NO. 1

On page 7, line 4 after "dollars" insert a period "." and delete the remainder of the line and delete line 5 in its entirety.

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

## HOUSE BILL NO. 892—

BY REPRESENTATIVE HAMMETT

### AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 47:6007(C)(4), relative to economic development incentives; to provide that certain out-of-state employees locating in Louisiana qualify as "new direct jobs" when determining the amount of rebates under the Quality Jobs Rebate Program; to provide relative to certain transactions of motion picture investors; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to Engrossed House Bill No. 892 by Representative Hammett.

#### AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert in lieu thereof the following:

"R.S. 47:6007(C)(1), R.S. 51:1787(A)(1), (B)(5), (C)(1), (D)(5), (H)(4), and 2453(4) and to enact R.S. 47:303(H) and 6007(C)(4) and (5)."

#### AMENDMENT NO. 2

On page 1, line 7, after "investors;" insert:

"to provide for certain activities under the Louisiana Enterprise Zone Act; to provide relative to certain transactions involving customer-owned tooling in a compression molding process; to provide for the use of certain investment credits;"

#### AMENDMENT NO. 3

On page 1, line 10, between "Section 1." and "hereby" delete "R.S. 51:2453(4) is" and insert:

"R.S. 51:1787(A)(1), (B)(5), (C)(1), (D)(5), (H)(4), and 2453(4) are"

#### AMENDMENT NO. 4

On page 1, between lines 11 and 12, insert the following:

"§1787. Incentives

A. The board, after consultation with the secretaries of the Department of Economic Development and Department of Revenue, and with the approval of the governor, may enter into contracts not to exceed five years to provide:

(1) For the rebate of sales and use tax imposed by the state and imposed by its local governmental subdivisions upon approval of the governing authority of the appropriate municipality or the appropriate parish where applicable, or both, of the use of customer-owned tooling in a compression molding process, of the purchases of the material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise and machinery and equipment used in that enterprise. Final application for the payment of any rebate of sales and use taxes granted pursuant to this Subsection must be filed no later than six months after receipt of the project completion report as provided by rule by the Department of Economic Development signs a project certification report and sends it to the Department of Revenue, the local governmental subdivision, and the business, or no later than thirty days after the end of the calendar year in the case of customer-owned tooling used in a compression molding process. The project certification report cannot be signed until the project is complete and the contract has been approved by the board and the governor. The amount to be rebated shall in no case be greater than the total of the actual amount of the sales and use taxes paid.

B. The board may enter into the contracts provided in Subsection A of this Section provided that:

(5)(a) The business makes its request for rebate of sales and use tax or the tax credit either:

(i) Prior to beginning construction of its building, or any addition or improvement thereon, ~~or~~

(ii) Prior to installation of the machinery or equipment to be used in the enterprise zone, ~~or~~

(iii) Prior to beginning use of customer-owned tooling used in a compression molding process.

(b) At any time subsequent to the deadlines established in Subsubparagraphs (i), ~~and (ii), and (iii)~~ of Subparagraph (a), if the board determines that the business was unable, due to good cause, to file the request within the time frame provided, the board may consider a late request, but the business shall have the burden to establish good cause.

C. The board, after consultation with the secretaries of the Department of Economic Development and the Department of Revenue and with the approval of the governor, may enter into contracts not to exceed five years to provide:

(1) For the rebate of sales and use tax imposed by the state and imposed by its local governmental subdivisions, upon approval of the governing authority of the appropriate municipality or the appropriate parish where applicable, or both, of the use of customer-owned tooling in a compression molding process, of the purchases of the material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise and machinery and equipment used in that enterprise. Final application for the payment of any rebate of sales and use taxes granted pursuant to this Subsection must be filed no later than six months after the receipt of the project completion report as provided by rule by the Department of Economic Development signs a project certification report and sends it to the Department of Revenue, the local governmental subdivision, and the business, or no later than thirty days after the end of the calendar year in the case of customer-owned tooling used in a compression molding process. The project certification report cannot be signed until the project is complete and the contract has been approved by the board and the governor. The

amount to be rebated shall in no case be greater than the total of the actual amount of the sales and use taxes paid.

D. The board may enter into the contracts provided in Subsection C of this Section provided that:

(5)(a) The business makes its request for rebate of sales and use tax or the tax credit either:

(i) Prior to beginning construction of its building, or any addition or improvement thereon, ~~or~~

(ii) Prior to installation of the machinery or equipment to be used in the enterprise zone or economic development zone, ~~or~~

(iii) Prior to beginning use of customer-owned tooling used in a compression molding process.

(b) At any time subsequent to the deadlines established in Subsubparagraphs (i), ~~and (ii), and (iii)~~ of Subparagraph (a), if the board determines that the business was unable, due to good cause, to file the request within the time frame provided, the board may consider a late request, but the business shall have the burden to establish good cause.

H. Except as provided in R.S. 51:1788, the board may enter into contracts pursuant to this Section provided that:

(4)(a) The business makes its request for rebate of sales and use tax or the tax credit either:

(i) Prior to beginning construction of its buildings, or any addition or improvement thereon.

(ii) Prior to installation of the machinery or equipment to be used by the business.

(iii) Prior to beginning use of customer-owned tooling used in a compression molding process.

(b) At any time subsequent to the deadlines established in Items (i), ~~and (ii), and (iii)~~ of Subparagraph (a), if the board determines that the business was unable, due to good cause, to file the request within the time frame provided, the board may consider a late request, but the business shall have the burden to establish good cause.

#### AMENDMENT NO. 5

On page 3, line 3, after "Section 3." change "R.S. 47:6007(C)(4) is" to "R.S. 47:6007(C)(1) is hereby amended and reenacted and R.S. 47:303(H) and 6007(C)(4) and (5) are"

#### AMENDMENT NO. 6

On page 3, between lines 3 and 4, insert the following:

"§303. Collection.

**H. Collection of tax on tooling in a compression molding process.** Notwithstanding any other law to the contrary, any tax due on customer-owned tooling imported into this state and used in a compression molding process shall only be collected from the person actually using the tooling in his process. Such person shall be considered a dealer using property in this state for purposes of this Chapter.

#### AMENDMENT NO. 7

On page 3, delete line 6 and insert the following:

"C. Investment tax credit; specific projects. (1) There is hereby authorized a tax credit against state income tax for taxpayers domiciled in the state of Louisiana, other than motion picture production companies. The tax credit shall be earned by investors at the time of such investment in such state-certified productions and calculated as a percentage of the investment according to the total base investment dollars certified per project.

(a) For state-certified productions approved by the Louisiana Film and Video Commission, or its successor, before July 1, 2003 if total base investment is greater than three hundred thousand dollars and less than or equal to one million dollars, each taxpayer shall be

allowed a tax credit of ten percent of the actual investment made by that taxpayer.

(b) For state-certified productions approved by the Louisiana Film and Video Commission, or its successor, before July 1, 2003 if the total base investment is greater than one million dollars each taxpayer shall be allowed a tax credit of fifteen percent of the investment made by that taxpayer.

(c) For state-certified productions approved by the Film and Video Commission, or its successor, on or after July 1, 2003:

(i) If the total base investment is greater than three hundred thousand dollars and less than or equal to ten million dollars, each taxpayer shall be allowed a tax credit of ten percent of the actual investment made by that taxpayer, however in no case shall the total credit for a state-certified production exceed the total base investment certified for that production.

(ii) If the total base investment is greater than ten million dollars, each taxpayer shall be allowed a tax credit fifteen percent of the actual investment made by that taxpayer, however in no case shall the total credit for a state-certified production exceed the total base investment certified for that production.

**AMENDMENT NO. 8**

On page 3, line 15 after "transferees," delete the remainder of the line and delete lines 16 and 17 and insert "The transferee of the tax"

**AMENDMENT NO. 9**

On page 3, line 20 after "submit to" insert "the Louisiana Film and Video Commission, or its successor and to"

**AMENDMENT NO. 10**

On page 3, line 24 between "transfer," and "the remaining balance" insert "the credit certificate number,"

**AMENDMENT NO. 11**

On page 3, delete line 26 and insert the following: "the amount transferred, and any other information required by the Louisiana Film and Video Commission, or its successor, or the Department of Revenue."

**AMENDMENT NO. 12**

On page 4, line 1 after "comply with" delete the remainder of the line and delete line 2 and insert the following: "this Paragraph will result in the disallowance of the tax credit until the taxpayers are in full compliance."

**AMENDMENT NO. 13**

On page 4, delete lines 3 and 4 and insert the following:

"(d) The transfer or sale of this credit does not extend the time in which the credit can be used. The carry forward period for credit that are transferred or sold begins on the date on which the credit was originally earned.

(e) A transferee shall have only such rights to claim and use the credit that were available to the transferor at the time of the transfer. To the extent that the transferor did not have rights to claim or use the credit at the time of the transfer, the Department of Revenue shall either disallow the credit claimed by the transferee or recapture the credit from the transferee through any collection method authorized by R.S. 47:1561. The transferee's recourse is against the transferor.

(5) The transferee shall apply such credits in the same manner and against the same taxes as the taxpayer originally awarded the credit."

**AMENDMENT NO. 14**

On page 4, between lines 4 and 5, insert the following:

"Section 4. If an incentive contract is amended, after the effective date of this Act, to provide for the rebate for sales and use tax on the use of customer-owned tooling in a compression molding process, then any entity already using customer-owned tooling in a compression molding process on the effective date of this Act shall have ninety days within which to make application for the rebate."

**AMENDMENT NO. 15**

On page 4, line 5, change "Section 4." to "Section 5."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 895—**

BY REPRESENTATIVE LANCASTER  
AN ACT

To amend and reenact R.S. 18:1483(11), relative to the definition of major office for the purposes of the Campaign Finance Disclosure Act; to remove the exclusion of certain judicial seats from the definition of "major office"; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 973—**

BY REPRESENTATIVE DIEZ  
AN ACT

To enact Part XII of Chapter 2 of Code Title XII of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3568, and R.S. 9:3571.1(H)(3) and (I) through (L), relative to consumer credit; to provide for protection of victims of identity theft; to provide for police reports; to provide for information to be made available by creditors; to provide for security alerts; to provide for damages; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 973 by Representative Diez

**AMENDMENT NO. 1**

On page 2, line 1 after "theft" insert "with the Louisiana Department of Justice, office of the attorney general, and/or"

**AMENDMENT NO. 2**

On page 2, at the beginning of line 2 before "municipal" insert "Louisiana Department of Justice, office of the attorney general, and/or the"

**AMENDMENT NO. 3**

On page 2, line 5 between "with" and "a" insert "the Louisiana Department of Justice, office of the attorney general, and/or"

**AMENDMENT NO. 4**

On page 2, at the beginning of line 11 delete "any and all information" and insert the following: "application information and transactional information, such as a copy of one or more complete monthly billing statements prepared in the regular course of business by a financial institution."

**AMENDMENT NO. 5**

On page 2, delete lines 14 through 16 and insert the following: "the victim to submit a written statement, dated and signed by the victim of identity theft, which (a) provides information sufficient to verify the identity of the victim and the existence of an identity crime, including a copy of the police report and a copy of the victim's state issued identification card, and (b) states that the consumer authorizes disclosure of the information, and (c) identifies the information the victim requests to be disclosed."

AMENDMENT NO. 6

On page 3, line 2 after "application for" delete "an" and insert "a new"

AMENDMENT NO. 7

On page 3, at the end of line 5 insert the following: "For the purposes of this Section, "extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account."

AMENDMENT NO. 8

On page 3, line 9 after "number" insert the following: "or take reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial theft"

AMENDMENT NO. 9

On page 3, line 17 after "Damages." delete "Each" and insert "Effective January 1, 2004, each"

AMENDMENT NO. 10

On page 3, line 19 between "the" and "out-of-pocket" insert "documented"

AMENDMENT NO. 11

On page 3, line 20 after "creditor." insert "potential creditor, credit reporting"

AMENDMENT NO. 12

On page 4, line 13 after "L" delete "On a request" and insert "Upon a request by a consumer"

AMENDMENT NO. 13

On page 6, after line 9 insert the following:  
"(6) A bank, as defined in 12 U.S.C. 1813(a) and Title 6 of the Louisiana Revised Statutes of 1950."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1054—**

BY REPRESENTATIVE LANCASTER  
 AN ACT

To amend and reenact R.S. 18:1505.2(K)(2), 1511.3(C), and 1532 and to enact R.S. 18:1491.1(B)(9) and 1505.2(K)(3), relative to the campaign finance laws; to provide for certain information to be included in the statement of organization of a political committee; to prohibit certain political committees from accepting contributions in excess of certain limits from any person; to provide for copies of reports filed with the supervisory committee to be provided to the public upon request; to exempt political committees from filing election day expenditure reports if no election day expenditures are made; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 1054 by Representative Lancaster

AMENDMENT NO. 1

On page 4, line 19, after "committee" insert "other than a candidate's committee"

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1055—**

BY REPRESENTATIVE LANCASTER  
 AN ACT

To repeal R.S. 49:996(10), relative to the duties of the director of the division of administrative law; to remove the requirement that the director assure that agencies are properly promulgating rules.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1199—**

BY REPRESENTATIVE LEBLANC  
 AN ACT

To enact R.S. 42:460, relative to state administration; to authorize the promulgation of rules relative to the recoupment of overpayments to certain state employees; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1202—**

BY REPRESENTATIVES FUTRELL AND MONTGOMERY  
 AN ACT

To amend and reenact R.S. 37:2150, 2150.1(4), 2156.1(C), (F), and (H), 2156.2(D), and 2159(D) and to enact R.S. 37:2156.1(M), relative to the state Licensing Board for Contractors; to provide for legislative intent; to provide for licensure and regulation of persons who perform heating, ventilation, air conditioning, and refrigeration work; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1202 by Representative Futrell

AMENDMENT NO. 1

On page 9, delete line 16 and insert the following: "Act, except that the board shall not enforce the provisions of this Act pursuant to R.S. 37:2162 or R.S. 37:2163 until the expiration of the HVACR application periods set forth in R.S. 37:2156.1(H)."

AMENDMENT NO. 2

On page 9, delete lines 17 through 19 in their entirety.

AMENDMENT NO. 3

On page 9, line 20 change "Section 4." to Section 3."

AMENDMENT NO. 4

On page 9, delete lines 22 and 23 in their entirety.

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1350—**BY REPRESENTATIVES DOWNER, WALSWORTH, AND BALDONE  
AN ACT

To amend and reenact R.S. 36:4(A)(introductory paragraph), to enact R.S. 36:4(A)(21) and Chapter 21-A of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:781 through 787, and to repeal R.S. 36:4(B)(1)(o), to create and provide for the Department of Veterans Affairs in the executive branch of state government; to provide for the department and its officers and offices, and their powers, duties, functions, and responsibilities; to provide for the transfer of the Veterans' Affairs Commission to the department; to abolish the existing Department of Veterans Affairs in the office of the governor; to provide for the effectiveness of the Act; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1388—**BY REPRESENTATIVES LANCASTER AND BOWLER  
AN ACT

To amend and reenact Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:991 through 999.25, relative to the creation and operation of a division of administrative law; to provide for the employment, qualifications, duties, and authority of administrative law judges; to provide for exceptions; to make technical changes; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 1388 by Representative Lancaster

**AMENDMENT NO. 1**

On page 7, delete lines 21 and 22

**AMENDMENT NO. 2**

On page 7, at the beginning of line 23, delete "(11)" and insert "(10)"

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1393—**BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 37:919 and to enact R.S. 37:918(18), relative to the Louisiana State Board of Nursing; to provide for the authority of the board relative to the purchase or sale of immovable property and any improvements; to provide for the domicile of the offices that administer the provisions adopted by the board; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 1393 by Representative Durand

**AMENDMENT NO. 1**

On page 1, line 17, after "funds" insert "with the approval of the State Bond Commission"

**AMENDMENT NO. 2**

On page 2, line 1, after "thereon" delete "with"

**AMENDMENT NO. 3**

On page 2, line 2 delete "approval of the State Bond Commission"

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1419—**BY REPRESENTATIVE ERDEY  
AN ACT

To amend and reenact R.S. 22:1404(3)(c)(i) and (d)(i), relative to insurance rates and defensive driving courses; to authorize the office of state police to promulgate rules and regulations to establish criteria and standards for the approval and certification of defensive driving courses; to authorize agreements for the funding of the approval and certification process for defensive driving courses; to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1476—**BY REPRESENTATIVES HEBERT, FRUGE, AND BOWLER  
AN ACT

To amend and reenact R.S. 22:1254 and 1255(A), relative to the use of courts by unauthorized insurers; to provide for approval; to provide for bonds; to provide for exemption; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 1476 by Representative Hebert

**AMENDMENT NO. 1**

On page 2, line 15, between "insurers" and "is exempt" insert ", and which maintains an A.M. Best rating of B or better or its equivalent."

**AMENDMENT NO. 2**

On page 2, at the end of line 16, insert the following:

"The commissioner shall determine the equivalent standard for insurers rated by recognized rating organizations other than A.M. Best."

**AMENDMENT NO. 3**

On page 2, delete lines 18 through 22

On motion of Senator Tarver, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1538—**BY REPRESENTATIVE TUCKER  
AN ACT

To amend and reenact R.S. 22:2010(C)(1) and to enact Part XII-B of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2036.1 through 2036.10, relative to health maintenance organizations; to implement risk-based capital requirements for health maintenance organizations; to provide with respect to the authority of the commissioner of

insurance to enforce such requirements; to provide for hearings; to provide for confidentiality; to provide for immunity; to provide for regulations; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 1538 by Representative Tucker

##### AMENDMENT NO. 1

On page 1, line 17, after "C." delete the remainder of the line

##### AMENDMENT NO. 2

On page 1, line 18, change "each" to "Each

##### AMENDMENT NO. 3

On page 2, line 5, change "two" to "three"

##### AMENDMENT NO. 4

On page 2, line 6, after "Chapter." insert "The million dollar deposit required pursuant to R.S. 22:2010(A) shall apply as a part of this minimum requirement."

On motion of Senator Tarver, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1547—

BY REPRESENTATIVE SALTER

AN ACT

To enact R.S. 51:2303(11) and 2315(D), relative to special treasury funds; to establish the Rural Economic Development Account within the Louisiana Economic Development Fund; to provide for deposit and use of monies in the account; to provide for definitions; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1555—

BY REPRESENTATIVE BOWLER

AN ACT

To enact R.S. 22:3071(32), relative to medical necessity review organizations; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 1555 by Representative Bowler

##### AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 22:3074(C) and to"

##### AMENDMENT NO. 2

On page 1, line 2, after "definitions;" insert "to provide for certain license renewal requirements;"

##### AMENDMENT NO. 3

On page 1, line 5, between "Section 1." and "R.S." insert "R.S. 22:3074(C) is hereby amended and reenacted and"

##### AMENDMENT NO. 4

On page 1, below line 13, add the following:

"§3074. Expiration and renewal of license for entities other than health insurance issuers

\* \* \*

C. The renewal application required by the commissioner shall include but need not be limited to the information required for an initial application that has changed.

\* \* \*

On motion of Senator Tarver, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1562—

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 37:3118(A)(1)(f), 3129(A), and 3130 and to enact R.S. 37:3115.1 and 3129(C), relative to auctioneers; to provide for educational requirements for auctioneers and auction businesses; to authorize auctioneers to bid on behalf of an absentee bidder under certain circumstances; to authorize the taking of bids by telephone or other electronic means; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1562 by Representative Walsworth

##### AMENDMENT NO. 1

On page 1, line 3, after "37:3115.1" insert ", 3117(E),"

##### AMENDMENT NO. 2

On page 1, line 10, after "37:3115.1" insert ", 3117(E),"

##### AMENDMENT NO. 3

On page 2, between lines 13 and 14 insert the following:

"§3117. Reciprocity; licensure without examination

\* \* \*

E. The provisions of R.S. 31:3115.1 shall not apply to a nonresident auctioneer from another licensing jurisdiction duly licensed by such other jurisdiction conducting auctions in this state under such license in accordance with the provisions of this Section."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1584—

BY REPRESENTATIVES WELCH, CAZAYOUX, GALLOT, GLOVER, GUILLORY, L. JACKSON, M. JACKSON, KENNEY, LUCAS, MURRAY, TOWNSEND, AND WRIGHT AND SENATORS IRONS AND TARVER

AN ACT

To enact Part LVIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.191, relative to state funds; to establish the Community-based Primary Health Care Initiative Fund in the state treasury; to provide for the deposit of monies into the fund; to provide for uses of monies in the fund; to provide for grants from the fund to community health centers for operations and various community health programs and other purposes; to create the Community-based Primary Health Care Initiative within the Department of Health

and Hospitals; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1681—**

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:1449(A) and (B), relative to real estate; to require registrants to provide copies of certain documents to parties of real estate transactions; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1681 by Representative Flavin

AMENDMENT NO. 1

On page 1, line 2 after "and (B)," insert "and to enact R.S. 37:1431(33) and 1470,"

AMENDMENT NO. 2

On page 1, line 4 after "transaction;" insert the following: "to provide for definitions; to provide relative to the Louisiana Real Estate Commission; to provide for the adoption and distribution of certain pamphlets; to provide relative to the duties of the licensee; to provide relative to liability;"

AMENDMENT NO. 3

On page 1, at the end of line 6 insert "and R.S. 37:1431(33) and 1470 are hereby enacted"

AMENDMENT NO. 4

On page 1, between lines 7 and 8 insert the following:

"§1431. Definitions

As used in this Chapter the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

\* \* \*

(33) Mold means any form of multicellular fungi that live on plant or animal matter and in indoor or outdoor environments. Types of mold often found in water-damaged building materials include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fuarium, trichoderma, memnoniella, mucor, and strachybotrys chartarum.

\* \* \*

AMENDMENT NO. 5

On page 1, after line 18 insert the following:

"§1470. Mold informational pamphlet; liability of licensees

A.(1) By April 1, 2004, the commission shall, by rule, in accordance with the Administrative Procedure Act, approve a mold informational pamphlet, which may be distributed to buyers by licensees in connection with any real estate transaction entered into on and after July 1, 2004.

(2) If the licensee delivers the mold informational pamphlet to the buyer, he shall do so at or before the time a lease, rental agreement, or contract for sale is entered into by the parties.

B. If the licensee delivers the mold informational pamphlet to the buyer, the licensee is not required to provide any additional information concerning mold. The information contained in the mold informational pamphlet shall be deemed to be adequate to inform the

buyer regarding common mold-related hazards that can affect real property.

C. The licensee shall not be held liable for any error, inaccuracy, or omission of any information contained in the mold informational pamphlet delivered pursuant to this Section, if either of the following applies:

(1) The error, inaccuracy, or omission was not within the personal knowledge of the licensee.

(2) The error, inaccuracy, or omission was based on information provided to the licensee by the commission, a public agency, or by other persons providing relevant information by delivery of a report or opinion prepared by an expert dealing with matters within the relevant scope of his professional license, and ordinary care was exercised by the licensee in obtaining and transmitting such information.

D. Nothing in this Section shall alter or affect the existing disclosure duties of any party to a real estate transaction, or their agents, including but not limited to the duty of a licensee to disclose any known material defect regarding the condition of the property.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1688—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 18:424(E) and 425(E), relative to compensation of commissioners and commissioners-in-charge; to provide for commissioners and commissioners-in-charge to be paid timely for their services on election day; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1838—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:1131.2(20) and (22), 1131.4(A), (B), (C)(2), (5), and (6), and (D), 1131.8, 1131.9(B) and (C), 1131.10.1, 1131.12(B), (C)(3), (D)(introductory paragraph), (E)(6), (F), and (G)(2) and (3), 1131.13(A) (B), and (E), 1131.20(B), (C), (D), (J), and (K), 1131.21(B) and (C), 1131.23(A)(introductory paragraph) and (G), 1131.28(A) and R.S. 37:1437.1(B)(1)(a) and (C), to enact R.S. 9:1131.3(E) through (H), 1131.4(F), 1131.9.1, 1131.9.2, 1131.12(D)(3) through (7), 1131.16.1 and R.S. 37:1437.1(G), and to repeal R.S. 9:1131.4(C)(7) through (13), 1131.10, 1131.12(E)(14) and (18), 1131.12(G)(4) through (8), 1131.13(F), 1131.14, 1131.15, 1131.16, 1131.20(E) through (I), 1131.21(D), and 1131.28(B) and (C), relative to the Louisiana Timesharing Act; to provide for various revisions to the Act; to repeal certain provisions of the Act; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**



Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1838 by Representative Pinac

AMENDMENT NO. 1

On page 1 line 12 delete "and 1131.28 (B) and (C)."

AMENDMENT NO. 2

On page 2, delete lines 23 through 25 and on page 3 delete lines 1 through 6 and insert the following:

"(c) An "ownership timeshare interest" is an interest in which a person receives the right to use or occupy immovable property for a period of less than a full year, over a period of more than three years, coupled with an ownership in immovable property.

(d) A "lease timeshare interest" is an interest in which a person receives the right to use or occupy immovable property for a period of less than a full year, over a period of more than three years."

AMENDMENT NO. 3

On page 5, delete lines 4 through 25, and delete pages 6 and 7 in their entirety and on page 8 delete lines 1 through 6 and insert the following:

"A. (1) No person shall offer for sale, sell, offer to sell, or solicit for the sale of a, or attempt to solicit any person located in Louisiana to purchase a timeshare interest in a timeshare property located in Louisiana unless:

† (a) Such timeshare interest offered by such person for sale is pursuant to a timeshare plan registered with and approved by the Louisiana Real Estate Commission, and

(b) Such person has provided the Louisiana Real Estate Commission with proof of its financial ability to complete the timeshare project in accordance with

(i) The registered timeshare plan, and

(ii) The contractual obligations of such person.

Notwithstanding obligations placed upon any other persons by this Chapter, it is the duty of the developer to supervise, manage, and control all aspects of the offering of a timeshare plan, including, but not limited to, promotion, advertising, contracting, and closing. Any violation of this Chapter which occurs during such activities shall be deemed to be a violation by the developer as well as by the person actually committing such violation.

(2) No person shall sell, offer to sell, solicit, or attempt to solicit the purchase of a timeshare interest from any location within the State of Louisiana unless such person, or a related entity, has registered with the Louisiana Real Estate Commission a timeshare plan for a timeshare project located in the state of Louisiana consisting of at least sixty-five completed or proposed units, committed to either an ownership timeshare interest or a lease timeshare interest, the initial rights are or were for a period of not less than twenty years provided however, that:

(a) If the person or related entity, has not previously registered a timeshare plan in the State of Louisiana consisting of at least sixty-five completed units with the Louisiana Real Estate Commission, as set forth in subsection (A)(2) hereof, but has registered with the Louisiana Real Estate Commission a proposed timeshare plan located in the State of Louisiana, as set forth in subsection (A)(2) hereof, consisting of at least sixty-five units, such person prior to selling, offering to sell, soliciting or attempting to solicit a person for the purchase of a timeshare interest in a timeshare plan located in the State of Louisiana, shall provide to the Louisiana Real Estate Commission:

(i) A copy of the contract for construction of the initial fifteen units of the timeshare plan,

(ii) A bond for completion of such construction in an amount satisfactory to the Louisiana Real Estate Commission and

(iii) All applicable permits required by the appropriate local governmental subdivisions, or

(b) In the event such person, or related entity, intends to sell offer to sell, solicit or attempt to solicit the purchase of a timeshare interest in a timeshare plan located outside of the State of Louisiana

from a location within the State of Louisiana and if the person, or related entity, has not previously registered a timeshare plan located in the State of Louisiana consisting of at least sixty-five completed units with the Louisiana Real Estate Commission, as set forth in subsection (A)(2) hereof, but has registered with the Louisiana Real Estate Commission a proposed timeshare plan located in the State of Louisiana, as set forth in subsection (A)(2) hereof, consisting of at least sixty-five units, such person, prior to selling, offering to sell, soliciting or attempting to solicit the purchase of a timeshare interest in a timeshare plan located outside the State of Louisiana from a location within the State of Louisiana shall

(i) Obtain a certificate from the Louisiana Real Estate Commission certifying that a minimum of fifteen units in such hereinabove required timeshare plan are complete for use and occupancy as a timeshare project in accordance with the timeshare plan, and

(ii) Provide to the Louisiana Real Estate Commission with a copy of the contract for construction of the remaining units in the timeshare plan, a bond for the completion of such construction, and certified copies of all required permits from the applicable local governmental subdivision.

(3) All timeshare plans approved by the Louisiana Real Estate Commission after August 15, 2003 shall maintain a one-to-one purchaser to accommodation ratio, which means the ratio of the number of purchasers eligible to use the accommodation of a timeshare plan and/or project on a given day to the number of accommodations available for use within the plan and/or project on that day, such that the total number of purchasers eligible to use the accommodations of the timeshare plan and/or project during a given calendar year shall never exceed the total number of accommodations available for use in the timeshare plan and/or project during that year. For purposes of calculation, each purchaser shall be counted at least once and no individual accommodation may be counted more than three hundred and sixty-five times per each calendar year. For purposes of calculating the one-to-one purchaser to accommodation ratio only, a purchaser who is delinquent in the payment of timeshare plan and/or project assessments shall continue to be considered eligible to use the accommodations of the timeshare plan and/or timeshare project without regard as to whether such right of use is suspended due to such delinquency.

B. A timeshare plan shall be created by the execution and recordation of a timeshare declaration and shall be effective upon approval of and shall have legal force and effect in the state of Louisiana as of the date of its approval by the Louisiana Real Estate Commission. The timeshare declaration shall be filed for registry in the conveyance records in the parish or parishes in which the timeshare property is located."

AMENDMENT NO. 4

On page 10, delete lines 10 through 18 and insert the following:

"any person who suffers any damage or loss as a result of the developer's any unfair or deceptive practice, breach of a contractual duty, or violation of law in connection with the offer and/or solicitation of a sale or management of a timeshare interest and/or in connection with the management of a timeshare plan and/or project by a developer, its agents, employees, sales persons, et al. Said bond shall be maintained until one year following the date of the last timeshare sale made by the filing developer or until January 1, 2008, whichever occurs first. Beginning January 1, 2004, the amount of the bond shall be reduced in an amount by one-quarter in each of the four years following the effective date of this Act. On January 1, 2008, this bonding requirement shall be eliminated for all timeshare projects. Thereafter, the developer shall provide to the Louisiana Real Estate Commission proof of its suitability and financial ability to complete its timeshare projects. The Commission, by rule and regulation, adopted and promulgated as prescribed by law, shall provide for the kinds of proof that shall be required to be provided."

AMENDMENT NO. 5

On page 46, line 16 after "For timeshare located" delete "in" and insert "inside and outside"

**AMENDMENT NO. 6**

On page 46, line 20 delete "estate" and insert "interest"

**AMENDMENT NO. 7**

On page 46, line 23 delete "estate" and insert "interest"

**AMENDMENT NO. 8**

On page 48, line 7, after "(I)," insert "and" and delete ", and 1131.28 (B) and (C)"

**AMENDMENT NO. 9**

On page 48, delete lines 9 through 20, and insert the following:

"Section 4. The changes and additions affected by the provisions of this Act shall not apply to any timeshare plan, timeshare project, and/or timeshare developer which or who has filed and been approved to operate a, or as a, timeshare plan and/or project by the Louisiana Real Estate Commission on or before June 1, 1985, and whose developer has not been suspended by the Louisiana Real Estate Commission, and which, if approved prior to July 20, 1984, has been actively and continuously marketed as a timeshare plan and/or timeshare project pursuant to such approval or court decree. Notwithstanding anything to the contrary in this Act, any timeshare developer and timeshare plan and/or timeshare project covered by this Section may elect to be covered by any one or more provision of this Act by giving one hundred and eighty days prior written notice of such intention to the Louisiana Real Estate Commission and any such action shall not be interpreted or construed to constitute a waiver of the rights granted to a timeshare project and/or a timeshare plan and/or a timeshare developer, under this Section. If a developer subject to this Section elects to be subject to any provision under this Act, said developer or successor developer shall thereafter be subject to such provision(s)."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1840—**

BY REPRESENTATIVE DARTEZ

AN ACT

To amend and reenact R.S. 37:1104(A), (B)(1) and (2)(a) and (C), 1116(B)(introductory paragraph) and (C)(introductory paragraph), 1120(A)(introductory paragraph), and 1121 and to repeal R.S. 37:1104(B)(2)(d) and 1106(A)(9), relative to licensed marriage and family therapists; to provide for changes to the content of the board; to delete the examination fee for marriage and family license applicants; to provide for replacements for vacancies that arise in the board; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1889—**

BY REPRESENTATIVES LUCAS AND MURRAY

AN ACT

To amend and reenact R.S. 9:3516(16)(b) and (23)(b), relative to the Louisiana Consumer Credit Law; to provide with respect to certain fees and charges; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1994—**

BY REPRESENTATIVES WELCH, ALEXANDER, BALDONE, BRUCE, CROWE, DOERGE, FANNIN, FRITH, PINAC, GARY SMITH, AND SNEED  
AN ACT

To amend and reenact R.S. 37:1861(B)(introductory paragraph) and to enact R.S. 37:1869.1, relative to secondhand dealers; to prohibit the sale of certain articles of clothing by secondhand dealers; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2004 (Substitute for House Bill No. 386 by Representative Crowe)—**

BY REPRESENTATIVE CROWE

AN ACT

To enact R.S. 22:10, relative to life insurance policies; to provide for a central database; to provide for a search for policies; to provide for the Department of Insurance; to provide for procedures; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 2004 by Representative Crowe

**AMENDMENT NO. 1**

On page 1, line 12, delete "person" and insert in lieu thereof "member of the immediate family of a decedent"

**AMENDMENT NO. 2**

On page 1, line 13, after "covering" change "a" to "the"

**AMENDMENT NO. 3**

On page 1, line 14, after "Section" insert a comma "," and insert "provided the decedent was a resident or former resident of this state"

**AMENDMENT NO. 4**

On page 1, line 15, change "must" to "shall"

**AMENDMENT NO. 5**

On page 1, at the end of line 15 add the following: "The right to file a written request for a search pursuant to this Section may not be assigned."

On motion of Senator Tarver, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2010 (Substitute for House Bill No. 1044 by Representative Murray)—**

BY REPRESENTATIVE MURRAY

AN ACT

To authorize the Milne Home for Girls to operate as an adult residential care home; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 2010 by Representative Murray

**AMENDMENT NO. 1**

On page 1, line 8 after "provides" delete "custodial" and insert "residential"

AMENDMENT NO. 2

On page 1, line 15, between "until" and "the" insert "the operation of the facility is transferred to another person or entity or"

AMENDMENT NO. 3

On page 1, delete lines 16, 17, and 18 and insert "assist residents with the self administration of oral prescription medication, in accordance with the resident's medical needs and orders of an authorized prescriber provided that the facility maintains documentation of training of certain home staff regarding resident specific medications and abides by the services plan and regulations of the home, approved by a medical doctor;"

AMENDMENT NO. 4

On page 2, delete lines 1 and 2 and insert "provide consent to manifestly"

AMENDMENT NO. 5

On page 2, between lines 9 and 10 insert the following:  
"Section 3. For the purposes of this Act, assistance with self-administration of medications shall mean any of the following:

(1) The resident is reminded to take his medication.

(2) The resident is made aware of the medication regimen, as indicated on the container, which may be read to the resident and the dosage of the medication, according to the container label, may be checked by staff.

(3) Resident is physically assisted in pouring or otherwise taking or receiving medications, including having a staff member open the medicine container.

Section 4. At the request of the Department of Social Services, the Louisiana State Board of Nursing shall conduct an audit, relative to the administration of medications, of any residential care facility that falls under this Act to insure that such facility is in compliance with the provisions of this Act and shall issue a report to the Department of Social Services."

AMENDMENT NO. 6

On page 2, line 10, after "Section" delete "3" and insert "5"

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2015 (Substitute for House Bill No. 993 by Representative LaFleur)—**

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, HUTTER, AND SCALISE

**AN ACT**

To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1741 through 1741.3, relative to telecommunications; to provide relative to unsolicited commercial electronic mail advertisements; to provide for definitions; to prohibit certain activities; to require certain disclosures and the maintenance of certain electronic mail addresses; to provide relative to electronic mail addresses provided by an employer; to provide for civil actions and damages; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 2015 by Representative LaFleur

AMENDMENT NO. 1

On page 5, between lines 17 and 18 insert the following:

"(2) Maintain a functioning website at which a recipient may request his removal from the sender's mailing list."

AMENDMENT NO. 2

On page 5, line 18 change "(2)" to "(3)"

AMENDMENT NO. 3

On page 6, line 1 change "(3)" to "(4)"

AMENDMENT NO. 4

On page 6, line 3 change "(4)" to "(5)"

AMENDMENT NO. 5

On page 6, line 24 change "ten" to "twenty-one"

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2019 (Substitute for House Bill No. 1715 by Representative Glover)—**

BY REPRESENTATIVES GLOVER AND L. JACKSON

**AN ACT**

To enact R.S. 40:31.2, relative to public health; creates the Interagency Task Force on Health Literacy; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2025 (Substitute for House Bill No. 112 by Representative Guillory)—**

BY REPRESENTATIVE GUILLORY

**AN ACT**

To enact R.S. 33:1236.23, relative to naming a senior citizens' services administrative building; to authorize the governing authority of certain parishes to name a senior citizens' services administrative building in honor of a living public officer of the parish; to provide limitations; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 2025 by Representative Guillory

AMENDMENT NO. 1

On page 2, line 2, after "named by" delete the remainder of the line and insert "August 1, 2004."

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**Motion to Recommit**

Senator Schedler asked for and obtained a suspension of the rules and recommitted House Bill No. 1919 from the Committee on Health and Welfare to the Committee on Finance.

**Reconsideration**

On motion of Senator Dupre, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, June 11, 2003 was reconsidered.

**HOUSE BILL NO. 70—**

BY REPRESENTATIVE PITRE AND SENATOR DUPRE  
AN ACT

To enact R.S. 49:170.8, relative to state symbols; to designate the loss of coastal wetlands to be our "state crisis"; to authorize the use of the "America's WETLAND" logo on official state documents; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

**Senator Lambert in the Chair****Special Order of the Day**

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

**HOUSE BILL NO. 2018 (Substitute for House Bill No. 1683 by Representative Landrieu, et al.)—**

BY REPRESENTATIVES LANDRIEU, HUNTER, MARTINY, WINSTON, ALARIO, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BROOME, BRUCE, CAPELLA, K. CARTER, CROWE, DAMICO, DANIEL, DARTEZ, DOERGE, DOWNER, DOWNS, FAUCHEUX, FRITH, GALLOT, GLOVER, GREEN, GUILLORY, HEATON, HEBERT, HILL, HONEY, HUDSON, ILES, L. JACKSON, JOHNS, KENNARD, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PEYCHAUD, PIERRE, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SCHWEGMANN, JACK SMITH, SNEED, STELLY, STRAIN, TOOMY, TOWNSEND, WELCH, WOOTON, WRIGHT, CAZAYOUX, AND DANIEL AND SENATORS CRAVINS, BAJOEIE, LENTINI, MICHOT, MOUNT, BOISSIERE, CHAISSON, FIELDS, HOLDEN, HOLLIS, IRONS, B. JONES, MARIONNEAUX, SCHEDLER, TARVER, AND THOMAS  
AN ACT

To amend and reenact R.S. 46:2601(A)(1), 2603(A) and (B)(2), 2604, and 2607 and to enact R.S. 15:902.2 and 902.3, Part XI-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1110, Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1461 through 1464, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252, R.S. 36:4(E), Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2600, R.S. 46:2605.1, 2605.2, and 2605.3, Part III of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2608 through 2610, and Chapter 59 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2751 through 2757, to designate Part II of Chapter 45, comprising R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's Budget, and Affiliated Boards", all relative to the reform of juvenile justice; to create the Juvenile Justice Reform Act of 2003; to provide with respect to the closure of Swanson Correctional Center for Youth-Madison Parish Unit; to create a juvenile placement review process; to establish juvenile detention standards and licensing procedures; to establish interagency agreements for sharing of juvenile information; to create the Juvenile Justice Reform Act Implementation Commission, including as one of its duties the creation of a plan for a single state entity for providing services to children and their families; to create the Education/Juvenile Justice Partnership Act; to continue until August 15, 2008, the Children's Cabinet; to provide definitions for certain provisions governing the Children's Cabinet and related boards and programs; to provide with respect to the powers and duties of the Children's Cabinet; to provide with respect to the preparation of the children's budget; to create the Children's Cabinet Research Council; to create the Louisiana Juvenile Justice Planning and Coordination Board; to provide for the standardization of service regions; to create the Louisiana Children's Children, Youth, and Families Investment Fund, to create the Community-based Sanctions and Services Grant Program; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senators Cravins to Reengrossed House Bill No. 2018 by Representative Landrieu, et al

**AMENDMENT NO. 1**

On page 37, at the beginning of line 12, change "Medical Center" to "Health Sciences Center"

On motion of Senator Cravins, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Dardenne sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senators C. Jones and Dardenne to Reengrossed House Bill No. 2018 by Representative Landrieu, et al

**AMENDMENT NO. 1**

Delete all Senate Committee Amendments proposed by the Senate Committee on Judiciary B and adopted by the Senate on June 9, 2003

**AMENDMENT NO. 2**

On page 50, line 20, delete "Savings" and insert in lieu thereof "The executive budget submitted annually by the governor shall provide that savings"

On motion of Senator Dardenne, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Ullo sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 2018 by Representative Landrieu

**AMENDMENT NO. 1**

On page 37, line 12, after "Center," insert "Louisiana State University School of Social Work, Office of Social Services Research and Development,"

**AMENDMENT NO. 2**

On page 41, line 12, after "study" insert "conducted by the Louisiana State University School of Social Work, Office of Social Services Research and Development and"

On motion of Senator Ullo, the amendments were adopted.

The bill was read by title. Senator Cravins moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler

June 12, 2003

Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—34

Hoyt  
Irons  
Jones, B  
Lambert  
Lentini  
Malone  
Marionneaux

Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—5

Fontenot  
Johnson  
Jones, CD

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

#### HOUSE BILL NO. 121—

BY REPRESENTATIVES SHAW AND ILES  
AN ACT

To enact R.S. 32:295.3, relative to motor vehicle regulations; to prohibit drivers or operators from leaving children under the age of six unattended and unsupervised in motor vehicles; to provide for definitions; to provide for limitations of liability; to provide for applicability; to provide for penalties; and to provide for related matters.

On motion of Senator Chaisson, the bill was read by title and returned to the Calendar, subject to call.

### Mr. President in the Chair

#### Senate Resolutions on Second Reading Reported by Committees

The following Senate Resolutions reported by Committees were taken up and acted upon as follows:

#### SENATE RESOLUTION NO. 61—

BY SENATOR BOISSIERE

A RESOLUTION

To provide that Macedonia was Greek for 3,000 years and continues to be Greek, as well as the ancient Macedonians and the inhabitants of the Norther Province of Greece, Macedonia are their Greek descendants.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. Senator Boissiere moved to adopt the Senate Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President

Fields

Marionneaux

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—32

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Lambert  
Malone

McPherson  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Fontenot  
Total—7

Johnson  
Jones, CD  
Lentini

Michot

The Chair declared the Senate had adopted the Senate Resolution.

#### Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

#### SENATE CONCURRENT RESOLUTION NO. 118—

BY SENATOR B. JONES

A CONCURRENT RESOLUTION

To create and provide for a task force to study the health care information needs of health care purchasers, employers, and consumers and to study the feasibility of creating a Louisiana Health Care Information Council to benefit consumers and employers in both the public and private sectors.

Reported with amendments by the Committee on Health and Welfare.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 118 by Senator B. Jones

#### AMENDMENT NO. 1

On page 3, between lines 26 and 27 add:

"(17) One member appointed by the director of the Department of Health and Hospitals Medicaid Program.

(18) One member appointed by the assistant secretary of the Department of Health and Hospitals for the office of public health.

(19) One representative from the LSU Health Sciences Center, appointed by the president of the LSU system.

(20) One member appointed by the Louisiana Medical Association.

(21) One member appointed by the Minority Health Alliance."

#### AMENDMENT NO. 2

On page 4, after line 17, add the following:

"BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Health and Hospitals, the commissioner of insurance, the Louisiana Health Care Commission, the office of group benefits, the Louisiana Hospital Association, the Louisiana Health Care Alliance, the Louisiana State Medical Society, the Louisiana Business Group on Health, the Louisiana Association of Business and Industry, the Louisiana

Association of Health Plans, the Health Insurance Association of America, the Louisiana Health Care Campaign, the Louisiana Medical Association, the Minority Health Alliance, and the president of the Louisiana State University System."

On motion of Senator Schedler, the committee amendment was adopted.

The resolution was read by title. Senator B. Jones moved to adopt the amended Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Mount
Boissiere	Hines	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Thomas
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—31		

**NAYS**

Total—0

**ABSENT**

Bajoie	Hoyt	Michot
Bean	Johnson	Theunissen
Fontenot	Jones, CD	
Total—8		

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 122—**  
BY SENATOR MOUNT

**A CONCURRENT RESOLUTION**

To recognize the Louisiana Choctaw Turtle Tribe as an Indian tribe of Louisiana.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Concurrent Resolution No. 122 by Senator Mount

**AMENDMENT NO. 1**

On page 2, between lines 13 and 14, insert the following:

"BE IT FURTHER RESOLVED that the Louisiana Choctaw Turtle Tribe, will agree in writing with the governor of the state of Louisiana not to apply in the next ninety-nine years for any gaming license, compact, or permit for any reservation within Louisiana prior to this Resolution being effective.

BE IT FURTHER RESOLVED that in the event that the written agreement is not perfected by the tribe, this Resolution is hereby null and void."

On motion of Senator Ullo, the committee amendment was adopted.

On motion of Senator Mount, the amended resolution was read by title and returned to the Calendar, subject to call.

**SENATE CONCURRENT RESOLUTION NO. 130—**

BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To establish the Office of Group Benefits Medicare Study Commission.

Reported favorably by the Committee on Insurance.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	Thomas
Ellington	Malone	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fontenot	Johnson
Bean	Hines	Jones, CD
Total—6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 133—**

BY SENATOR IRONS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics as well as to ensure beneficiary access to innovative biotechnology drugs.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Irons moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler

Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—33

Hoyt  
Irons  
Lambert  
Lentini  
Malone

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—6

Fontenot  
Johnson

Jones, B  
Jones, CD

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 134—**  
BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To urge and request that the Department of Health and Hospitals review potential solutions and, if appropriate, promulgate rules to enhance the efficiency of the Mental Retardation/Developmental Disabilities Home and Community Based Waiver, examining a right of first refusal provision to afford individuals the opportunity to forego their waiver opportunity until a time when they are in need of the services and assessing the issues of access to emergency waiver opportunities to meet the needs of individuals seeking to prevent institutionalization during a crisis situation.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 134 by Senator Schedler

**AMENDMENT NO. 1**

On page 4, between lines 1 and 2 insert the following:  
"12. A representative of the Developmental Disabilities Council.  
13. A representative of the Department of Health and Hospitals, office of mental health.  
14. A representative of the Association of Ambulatory Health.  
15. A representative of the Alliance of Developmental Disabilities Centers.  
16. A representative of The Extra Mile."

**AMENDMENT NO. 2**

On page 4, line 18 after "Center," insert "the Developmental Disabilities Council, the Association of Ambulatory Health, the Alliance of Developmental Disabilities Centers, The Extra Mile,"

On motion of Senator Schedler, the committee amendment was adopted.

The resolution was read by title. Senator Schedler moved to adopt the amended Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Barham

Gautreaux  
Heitmeier  
Hines

McPherson  
Michot  
Mount

Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—34

Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Lambert  
Lentini  
Malone  
Marionneaux

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—5

Fontenot  
Johnson

Jones, CD

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

**Senate Bills and Joint Resolutions on  
Third Reading and Final Passage,  
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

**Called from the Calendar**

Senator Boissiere asked that House Bill No. 1075 be called from the Calendar at this time.

**HOUSE BILL NO. 1075—**

BY REPRESENTATIVES BROOME, MORRELL, AND MURRAY  
AN ACT

To enact R.S. 17:421.9, relative to public school social workers; to provide a salary supplement for certain public school social workers who have acquired certification by the National Association of Social Workers; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; to provide for effectiveness; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Lentini asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**House Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 21—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 14:220(A), relative to the crime of failure to return rented or leased motor vehicles; to authorize commercial couriers to send notices of return or surrender; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ulló
Ellington	Malone	
Fields	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Bajoie	Fontenot	Jones, CD
Bean	Johnson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 64—

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact Code of Civil Procedure Article 1922, relative to money judgments; to require the inclusion of date of birth of the judgment debtors; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ulló
Ellington	Malone	
Fields	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Bajoie	Fontenot	Jones, CD
Bean	Johnson	

Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 72—

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 9:196, relative to tutorship by nature; to authorize a natural tutor to act in matters involving not more than ten thousand dollars; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ulló
Ellington	Malone	
Fields	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Bajoie	Fontenot	Jones, CD
Bean	Johnson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 87—

BY REPRESENTATIVES JOHNS AND ANSARDI  
AN ACT

To amend and reenact Civil Code Articles 395 and 1482 and Code of Civil Procedure Articles 4541(introductory paragraph), 4548, 4549(A)(1), and 4552(B) and to enact Code of Civil Procedure Article 4541(B), relative to the interdiction of persons; to provide for the capacity of an interdict; to provide for the proof of incapacity; to provide for the petition for interdiction; to provide for temporary interdiction; to provide for the recordation of judgments; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and returned to the Calendar, subject to call.

### Senator Lambert in the Chair

### HOUSE BILL NO. 101—

BY REPRESENTATIVES POWELL AND R. CARTER  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E) and to enact Code of Civil Procedure Article 4843(J), relative to the civil jurisdiction of the City Court of Hammond; to increase the



jurisdictional amount of the court; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fields	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Bajoie	Fontenot	Jones, CD
Bean	Johnson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 106—

BY REPRESENTATIVE CAZAYOUX  
AN ACT

To amend and reenact R.S. 14:102.12(introductory paragraph) and to enact R.S. 14:102.18, relative to the seizure and euthanizing of dogs; to authorize law enforcement officers and animal control officers to seize dogs which cause death or inflict serious bodily injury on human beings; to provide for a hearing to determine whether such dogs shall be euthanized; to provide for owner liability for costs and expenses of keeping the dog in certain circumstances; and to provide for related matters.

### Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed House Bill No. 106 by Representative Cazayoux

#### AMENDMENT NO. 1

On page 1, line 5, after "inflict" delete "serious"

#### AMENDMENT NO. 2

On page 2, at the beginning of line 2, delete "serious"

#### AMENDMENT NO. 3

On page 2, line 5, after "inflicts" delete "serious"

#### AMENDMENT NO. 4

On page 2, at the beginning of line 15, delete "serious"

#### AMENDMENT NO. 5

On page 2, line 19, after "inflicted" delete "serious"

#### AMENDMENT NO. 6

On page 2, at the beginning of line 26, delete "serious"

On motion of Senator Marionneaux, the amendments were adopted.

The bill was read by title. Senator Marionneaux moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Fontenot	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Mr. President	Bean	Jones, CD
Bajoie	Johnson	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 140—

BY REPRESENTATIVES ANSARDI AND JOHNS  
AN ACT

To amend and reenact Children's Code Article 1131 and to enact Chapter 2-A of Title XI of the Children's Code, to be comprised of Articles 1107.1 through 1107.9, relative to voluntary surrender for adoption; to provide rules to facilitate the intent to surrender process; to provide forms to be used in intent to surrender cases; to provide procedural safeguards in intent to surrender cases; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith

Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—35

Irons  
Jones, B  
Lambert  
Lentini  
Malone

Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—4

Johnson  
Jones, CD

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Mr. President in the Chair

### HOUSE BILL NO. 162—

BY REPRESENTATIVE MARTINY AND SENATOR CRAVINS  
AN ACT

To amend and reenact R.S. 4:702(C)(1), 704(D), 707(C)(4) and (5), 708(B), and 724(B)(2), relative to charitable gaming; to include commercial lessors in the charitable gaming licensing system; to prohibit the secretary of the Department of Revenue or any employee of the office of charitable gaming from having a financial interest in a commercial lessor; to provide for mandatory training for members of a charitable organization seeking a charitable gaming license who are designated to hold, operate, and conduct the games of chance; to provide for the maximum payout on electronic bingo machines; to repeal provision of law allowing only one parent-teacher association or booster club for each school; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—35

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Lambert  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—4

Johnson  
Jones, CD

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 169—

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 4:740, relative to the Charitable Raffles, Bingo and Keno Licensing Law; to define a session for charitable gaming purposes; to provide for the length of a charitable gaming session; to provide for the number of sessions which may be conducted per day; to provide with respect to the activities which are considered part of the session; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—33

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Mr. President  
Total—2

Smith

ABSENT

Bajoie  
Bean  
Total—4

Johnson  
Jones, CD

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 171—

BY REPRESENTATIVES ANSARDI AND JOHNS

AN ACT

To amend and reenact Children's Code Articles 412, 603(13), 615(E)(2), 616, 668(A), 675(B)(4), 897(D), 899(D), 1037, 1039, 1115(C), 1120, 1122(C) and (F), 1171, 1173(A)(introductory paragraph) and (3), 1178(B), 1192, 1218(D), 1222(B), 1269.1(A)(introductory paragraph), and 1269.3(A) and to enact Children's Code Articles 603(12.1), 612.1, 1122(B)(11), and 1130.1, relative to the continuous revision of the Children's Code; to provide for the confidentiality of records; to define "institutional abuse or neglect"; to provide for mandatory reporting of abuse; to provide for the investigation of facilities; to provide for disposition of reports; to provide for the purpose of a central registry; to provide for case plans; to provide for disposition after a delinquent act; to provide formalities in termination judgments; to provide for preplacement approval; to provide for the act of surrender form; to provide for pre-surrender counseling; to provide for the determination of parental capacity; to provide for a current certification in private adoptions; to provide requirements for home study; to provide for disclosure of information in adoptions; to provide for continued contact after adoptions; and to provide for related matters.

June 12, 2003

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Fontenot	Marionneaux	
Total—34		

**NAYS**

Total—0

**ABSENT**

Bajoie	Dean	Jones, CD
Bean	Johnson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 179—**

BY REPRESENTATIVE POWELL

**AN ACT**

To amend and reenact R.S. 9:2715(B)(1), relative to the transfer of structured settlement rights; to provide for venue for filing the ex parte petition in the parish in which the payee resides; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Chaisson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Chaisson to Engrossed House Bill No. 179 by Representative Powell

**AMENDMENT NO. 1**

On page 1, line 2, after "R.S. 9:2715(B)(1)" and before the comma, "insert "and to enact R.S. 9:2715(J)"

**AMENDMENT NO. 2**

On page 1, line 4, after the "resides;" and before "and" insert "to specify certain penalties imposed under the Internal Revenue Code for failure to obtain a court order approving a transfer;"

**AMENDMENT NO. 3**

On page 1, line 6, after "reenacted" and before "to" insert "and R.S. 9:2715(J) is hereby enacted"

**AMENDMENT NO. 4**

On page 2, after line 8, insert the following:

"J. Any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction in advance of an order required by this Section may be

subject to the tax imposed under the Internal Revenue Code, 26 U.S.C. 5891."

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Fontenot	Marionneaux	
Total—34		

**NAYS**

Total—0

**ABSENT**

Bajoie	Dean	Jones, CD
Bean	Johnson	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 204—**

BY REPRESENTATIVE MONTGOMERY

**AN ACT**

To amend and reenact R.S. 11:710(B), relative to the Teachers' Retirement System of Louisiana; to provide with respect to reemployment of retirees; to relieve certain retirees reemployed in part-time positions with the Louisiana High School Athletic Association from making contributions to the system; to relieve the association from making employer contributions on behalf of any such retiree; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo

June 12, 2003

Fields  
Fontenot  
Total—34

Malone  
Marionneaux

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—5

Dean Jones, CD  
Johnson

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 205—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:221(A)(2) and (C), relative to the Municipal Police Employees' Retirement System; to provide relative to modification of benefits as a result of earned income attributable to gainful employment; to provide relative to earnings statements; to relieve certain disability retirees from earnings limitations and from submitting annual income statements; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dupre  
Ellington  
Fields  
Fontenot  
Total—34

Gautreaux  
Heitmeier  
Hines  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo  
Malone  
Marionneaux

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—5

Dean Jones, CD  
Johnson

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 217—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2223(A) and (B)(1) and to enact R.S. 11:2214(A)(2)(d) and (e), relative to the Municipal Police Employees' Retirement System; to provide with respect to membership in the system; to provide for physical examinations; to establish deadlines for submission of certain forms; to require submission of waivers for preexisting conditions; to provide

eligibility criteria for disability benefits; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dupre  
Ellington  
Fields  
Fontenot  
Total—34

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Lambert  
Lentini  
Malone  
Marionneaux

McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—5

Dean Jones, CD  
Johnson

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 219—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2214(A)(2)(a), relative to the Municipal Police Employees' Retirement System; to provide with respect to membership in the retirement system; to remove the age limitation on membership for certain elected chiefs; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—36

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bajoie  
Total—3

Bean

Jones, CD

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 232—**

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 15:542(B)(introductory paragraph), (1)(introductory paragraph), and (2)(a), relative to sex offender registration and notification; to require sex offenders to provide a description of their physical characteristics; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini to Engrossed House Bill No. 232 by Representative Futrell

**AMENDMENT NO. 1**

On page 1, line 4, after "notification" insert "and to enact R.S. 15:541(18);"

**AMENDMENT NO. 2**

On page 1, line 5, after the semicolon ";," insert "to provide for definitions;"

**AMENDMENT NO. 3**

On page 1, line 9, after "reenacted" insert "and R.S. 15:541(18) is hereby enacted"

**AMENDMENT NO. 4**

On page 1, between lines 9 and 10, insert the following:

"§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

\* \* \*

"(18) 'Institution of postsecondary education' means any public or private institution of postsecondary education in the state."

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas

Ellington  
Fields  
Total—35Lentini  
Malone

Ullo

NAYS

Total—0

ABSENT

Bajoie  
Bean  
Total—4Jones, CD  
Lambert

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 234—**

BY REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 14:95(H), relative to illegal carrying of weapons; to include coroners in the list of officials who may carry a concealed handgun when certified by the Council on Peace Officer Standards and Training; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hines sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hines to Engrossed House Bill No. 234 by Representative Kennard

**AMENDMENT NO. 1**

On page 1, line 14, after "coroners," insert "district attorneys and designated assistant district attorneys."

**AMENDMENT NO. 2**

On page 1, line 16, after "coroners," insert "district attorneys and designated assistant district attorneys."

On motion of Senator Hines, the amendments were adopted.

The bill was read by title. Senator Holden moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fields	Jones, B
Barham	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Michot
Chaisson	Hines	Romero
Dean	Holden	Tarver
Dupre	Hoyt	Theunissen
Ellington	Johnson	Thomas
Total—24		

NAYS

Mr. President  
Cravins  
Hollis  
Irons  
Total—10Lentini  
Malone  
Mount  
SchedlerSmith  
Ullo

ABSENT

Bajoie	Dardenne	Lambert
Bean	Jones, CD	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Holden moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 243—**  
BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact Children's Code Articles 424.1(A), 1015(7), 1101, and 1193(introductory paragraph); to enact Chapter 13 of Title XI of the Children's Code, to be comprised of Articles 1149 through 1160; and to repeal Children's Code Articles 1701 through 1706, relative to safe haven relinquishments of infants; to provide for CASA appointments; to provide for defenses to prosecution; to provide for emergency care facility responsibilities; to provide for medical evaluations of the infant; to provide for hearings for parents to reclaim parental rights; to provide procedures when a non-relinquishing parent cannot be identified; to provide procedural safeguards; and to provide for related matters.

## Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 243 by Representative Ansardi

### AMENDMENT NO. 1

On page 16, between lines 2 and 3, insert the following:  
"(5) The Department shall utilize existing funds to effectuate the provisions of Paragraphs (1) and (2) of this Article."

On motion of Senator Ellington, the amendments were adopted.

The bill was read by title. Senator Ellington moved final passage of the amended bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Michot
Chaisson	Hollis	Mount
Cravins	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ullo
Total—36		

### NAYS

Total—0

### ABSENT

Mr. President	Bajoie	Bean
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 247—**  
BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2223(E), relative to the Municipal Police Employees' Retirement System; to provide with respect to disabilities received in the performance of official duties; to include blindness and loss of a limb as service-related disabilities for which a benefit equal to a member's final average compensation is payable; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Lentini	Thomas
Fields	Malone	Ullo
Fontenot	Marionneaux	
Total—32		

### NAYS

Total—0

### ABSENT

Mr. President	Cravins	Lambert
Bajoie	Hollis	
Bean	Jones, CD	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 248—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:3886(A) and (B)(1) and R.S. 33:1428(A)(1), (6), (12)(a) and (d), and (13)(c) and (e), relative to fees of office for services and duties of sheriffs in civil matters; to provide for fees of office for service in certain civil matters; and to provide for related matters.

## Floor Amendments Sent Up

Senator Boissiere sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boissiere to Engrossed House Bill No. 248 by Representative Toomy

### AMENDMENT NO. 1

On page 2, line 17, after "serving," change "and" to "or"

June 12, 2003

On motion of Senator Boissiere, the amendments were adopted.

On motion of Senator Lentini, the amended bill was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 260—**

BY REPRESENTATIVE ERDEY

**AN ACT**

To enact R.S. 15:571.11(C)(5), relative to the disposition of the Criminal Court Fund for the Twenty-First Judicial District; to provide that the accounts comprising the Criminal Court Fund be operated as a single fund; to provide for the yearly transfer of certain surpluses remaining in the fund; and to provide for related matters.

The bill was read by title. Senator Fontenot moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	McPherson
Adley	Gautreaux	Michot
Barham	Heitmeier	Mount
Boissiere	Hines	Romero
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	Ullo
Ellington	Malone	
Fields	Marionneaux	
Total—34		

**NAYS**

Total—0

**ABSENT**

Bajoie	Hollis	Lentini
Bean	Lambert	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 270—**

BY REPRESENTATIVE MARTINY AND SENATOR CRAVINS

**AN ACT**

To amend and reenact R.S. 4:715(A)(3) and 727(A) and to enact R.S. 4:724(H), relative to charitable gaming; to provide for the presence of certain persons while machines are in use; to specify the persons authorized to pay out cash prizes; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot

Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—35

Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
Malone

Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

**NAYS**

Total—0

**ABSENT**

Mr. President  
Bajoie  
Total—4

Bean  
Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 284—**

BY REPRESENTATIVE MONTGOMERY

**AN ACT**

To amend and reenact R.S. 11:2220(B)(1)(a)(ii), relative to the Municipal Police Employees' Retirement System; to provide with respect to survivor benefits; to provide a maximum benefit for surviving spouses of active members killed as a result of injuries sustained in the line of duty; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Total—35		

**NAYS**

Total—0

**ABSENT**

Bajoie  
Bean  
Total—4

Cravins  
Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 294—

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 15:529.1(C), relative to the habitual offender law; to provide for applicability based upon the period of time between each conviction; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

### HOUSE BILL NO. 340—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 13:3204(A) and 3205, relative to personal jurisdiction over nonresidents; to provide for service of process in divorce proceedings; to provide for service of process in summary proceedings; to provide for the rendering of judgments; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Dardenne	Hoyt	Smith
Dean	Irons	Tarver
Dupre	Johnson	Theunissen
Ellington	Jones, B	Thomas
Fields	Malone	Ullo
Total—33		

#### NAYS

Total—0

#### ABSENT

Bajoie	Cravins	Lambert
Bean	Jones, CD	Lentini
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 376—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(5), relative to responsive verdicts; to provide that "guilty of negligent homicide" may be rendered as a responsive verdict to an indictment which charges the offense of manslaughter; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—35

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

#### NAYS

Total—0

#### ABSENT

Bajoie  
Bean  
Total—4

Cravins  
Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 409—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 27:25.1, relative to the Video Draw Poker Devices Control Law; to prohibit the assessment of costs on the prevailing party in an administrative proceeding or an appeal; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Barham	Heitmeier	Marionneaux
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Dardenne	Hoyt	Schedler
Dean	Irons	Smith
Dupre	Johnson	Tarver
Ellington	Jones, B	Theunissen
Fields	Jones, CD	Thomas
Fontenot	Lentini	Ullo
Gautreaux	Malone	
Total—32		

#### NAYS

Total—0

#### ABSENT

Mr. President  
Adley  
Bajoie  
Total—7

Bean  
Cravins  
Lambert

McPherson

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.



**HOUSE BILL NO. 420—**

BY REPRESENTATIVES MURRAY AND HEATON  
AN ACT

To enact R.S. 13:1222, relative to the clerk of the Orleans Parish Civil District Court; to authorize the clerk to purchase or lease two motor vehicles for the use of the office and to pay the premiums on the insurance for those motor vehicles; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Johnson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Johnson to Reengrossed House Bill No. 420 by Representative Murray

**AMENDMENT NO. 1**

Delete Senate Committee Amendment No. 2, proposed by the Senate Committee on Judiciary A and adopted by the Senate on June 4, 2003

**AMENDMENT NO. 2**

On page 1, line 14, after "motor vehicles" delete "for the use of the office" and insert "to be used for official office use only"

On motion of Senator Johnson, the amendments were adopted.

The bill was read by title. Senator Johnson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lentini	Ullio
Fontenot	Malone	
Gautreaux	Marionneaux	
Total—34		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean	Lambert
Bajoie	Cravins	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Reports of Committees**

The following reports of committees were received and read:

**Privilege Report of the  
Legislative Bureau**

June 12, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 1968—**

BY REPRESENTATIVE LEBLANC  
AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2002-2003 Fiscal Year; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**House Bills and Joint Resolutions  
Just Advanced to a  
Third Reading  
and Final Passage**

The following House Bills and Joint Resolutions just advanced to a third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 1968—**

BY REPRESENTATIVE LEBLANC  
AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2002-2003 Fiscal Year; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen

Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

NAYS

Total—0

ABSENT

Bajoie	Bean
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Senator Lambert in the Chair

### House Bills and Joint Resolutions on Third Reading and Final Passage, Resumed

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 455—**  
BY REPRESENTATIVE JACK SMITH  
AN ACT

To amend and reenact R.S. 26:80(F) and 280(F), relative to permits to sell alcoholic beverages of high and low alcoholic content; to provide that a person is not necessarily disqualified from receiving a permit for certain felony convictions; and to provide for related matters.

The bill was read by title. Senator Gautreaux moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Bean
Bajoie	Hollis
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 462—**  
BY REPRESENTATIVES MARTINY AND WELCH  
AN ACT

To amend and reenact R.S. 15:708(A)(1)(a), relative to work programs for prisoners in parish prisons; to provide for participation in work activities on the property of, or in the buildings or other improvements of, certain tax-exempt organizations; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Michot
Chaisson	Hollis	Mount
Cravins	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Bajoie	Bean
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 464—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 27:311.1, relative to the Video Draw Poker Devices Control Law; to provide relative to requirements for submitting certain information when filing an application for an additional license; to provide for applicability; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dupre	Johnson	Tarver
Ellington	Jones, B	Theunissen
Fields	Jones, CD	Thomas

June 12, 2003

Fontenot  
Total—33Lentini  
NAYS

Ullo

Dean  
Total—1

ABSENT

Mr. President  
Bajoie  
Total—5Bean  
Lambert

Malone

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 481—**

BY REPRESENTATIVE MARTINY

AN ACT

To enact Part XIII of Chapter 2 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:521 through 523, and R.S. 44:3(G), relative to evidence; to provide for proof of an official driving record by certificate of the assistant secretary of the Department of Public Safety and Corrections, office of motor vehicles, or his designee; to provide for the admissibility of official driving records; to provide for notice of opposing parties and opportunity to cross-examine experts; to provide that certificates of official driving records are not public records; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—34Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
MarionneauxMcPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bajoie  
Total—5Bean  
Lambert

Malone

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 504—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:1111(I), relative to the work release program; to provide that a person convicted of distribution or possession with intent to distribute certain amounts of cocaine

or marijuana may be eligible to participate in the work release program; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—35Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
LentiniMarionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bajoie  
Total—4Bean  
Malone

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 505—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:893.1, relative to assignment of inmates to Work Training Facility North; to provide that persons convicted of certain violations of the Uniform Controlled Dangerous Substances Law are eligible for assignment; to repeal obsolete provisions; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—34Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
MarionneauxMcPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0  
ABSENT

Mr. President Bean Malone  
Bajoie Lambert  
Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 508—

BY REPRESENTATIVE MARTINY

#### AN ACT

To amend and reenact R.S. 15:571.3(D), relative to diminution of sentence for good behavior; to delete provisions which prohibit certain inmates from being eligible to receive a diminution of sentence for good behavior; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Holden	Romero
Cravins	Hollis	Schedler
Dardenne	Hoyt	Smith
Dean	Irons	Tarver
Dupre	Johnson	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lentini	Ullo

Total—33

#### NAYS

Total—0  
ABSENT

Mr. President Bean Lambert  
Bajoie Jones, B Malone  
Total—6

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 509—

BY REPRESENTATIVE MARTINY

#### AN ACT

To enact R.S. 14:2(13)(gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), and (oo), relative to crimes of violence; to add certain crimes to the listing of crimes designated as crimes of violence; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	McPherson
-------	-----------	-----------

Barham	Hines	Michot
Boissiere	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Gautreaux	Marionneaux	

Total—34

#### NAYS

Total—0  
ABSENT

Mr. President Bean Lambert  
Bajoie Cain  
Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 520—

BY REPRESENTATIVE JOHNS

#### AN ACT

To enact R.S. 9:2794(D), relative to expert witnesses; to provide for qualifications of expert witnesses in medical malpractice actions against physicians; to provide for definitions; to provide for court discretion in determining qualifications; to provide for exceptions; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini to Reengrossed House Bill No. 520 by Representative Johns

#### AMENDMENT NO. 1

On page 2, delete line 26, and insert "in that area."

#### AMENDMENT NO. 2

On page 3, line 6, after "physician" delete the remainder of the line and insert "from"

#### AMENDMENT NO. 3

On page 3, line 7, between "expert" and the period "." insert "solely because he is a defendant in a medical malpractice claim"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Hines moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler

Dardenne  
Dupre  
Ellington  
Fields  
Fontenot  
Gautreaux  
Total—35

Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone

Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bajoie  
Total—4

Bean  
Dean

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### HOUSE BILL NO. 545—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 30:2054(B)(2)(b)(ix), relative to air quality control; to provide for powers of the secretary of the Department of Environmental Quality; to provide for an exemption from permitting regulations for certain sources of air emissions; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

#### HOUSE BILL NO. 577—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 46:1844(M)(3), relative to the right of victims of crime to seek restitution; to provide that if the court or the parole board requires a convicted criminal defendant to pay restitution to a victim, and if the victim records the restitution order, the victim shall not be required to pay the fee which the clerk of court collects for recording documents; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

#### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—35

Gautreaux  
Heitmeier  
Hines  
Holden  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President

Bean

Bajoie  
Total—4

Hollis

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### HOUSE BILL NO. 580—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:1136(A) and to enact R.S. 11:1136(D), relative to the Louisiana School Employees' Retirement System; to provide with respect to the conversion of leave to membership credit; to prohibit the conversion of leave of less than one-tenth of one year; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

#### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Gautreaux  
Total—34

Heitmeier  
Hines  
Holden  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone  
Marionneaux

McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bajoie  
Total—5

Bean  
Cravins

Hollis

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### HOUSE BILL NO. 590—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 13:851, relative to fees in criminal matters in the Fortieth Judicial District Court; to require an additional fee in criminal matters, including traffic cases; to provide for use of the fee by the office of the clerk of court; to provide for an annual audit; and to provide for related matters.

#### Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed House Bill No. 590 by Representative Fauchaux

#### AMENDMENT NO. 1

On page 1, line 5, after "audit;" and before "and" insert "to require the local governing authority to enact an ordinance approving the additional costs;"

### AMENDMENT NO. 2

On page 2, after line 11, insert the following:

"C. The Fortieth Judicial District Court shall not assess the additional costs authorized by this Section, until the local governing authority of St. John the Baptist Parish enacts an ordinance approving the assessment of these additional costs."

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Romero
Dardenne	Johnson	Schedler
Dupre	Jones, B	Smith
Ellington	Jones, CD	Tarver
Fields	Lambert	Theunissen
Fontenot	Lentini	Thomas
Gautreaux	Malone	Ullo
Total—33		

#### NAYS

Dean  
Total—1

#### ABSENT

Mr. President	Bean	Hollis
Bajoie	Cravins	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 623—

BY REPRESENTATIVES THOMPSON, BAUDOIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, AND STRAIN AND SENATOR SMITH

#### AN ACT

To amend and reenact R.S. 3:4278.2, relative to timber sales; to provide relative to the removal of timber without consent of certain minority ownership interests; to require publication of advertisements and other notification; to provide for the commencement of harvesting timber; to provide for the rights of nonconsenting owners; to provide for evidence of violations; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Gautreaux	McPherson
-------	-----------	-----------

Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—34		

#### NAYS

Marionneaux  
Total—1

#### ABSENT

Mr. President	Bean
Bajoie	Hollis
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 682—

BY REPRESENTATIVE BALDONE

#### AN ACT

To amend and reenact R.S. 40:1299.39.1(D)(2) and 1299.47(D)(2), relative to a medical review panel proceeding under the Medical Malpractice Act; to provide that the panel may consider evidence discovered by interrogatories; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—34		

#### NAYS

Total—0

#### ABSENT

Mr. President	Bean	Romero
Bajoie	Hollis	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**

**HOUSE BILL NO. 706—**BY REPRESENTATIVES MARTINY AND SCHNEIDER  
AN ACT

To enact R.S. 15:574.4(H)(4)(r), relative to conditions of parole; to provide that the Board of Parole may require additional conditions of parole; to provide for agreements to searches of the person, personal effects, property, place of residence, or vehicle of that person; to provide relative to the conducting of the searches; to provide that the searches may be conducted with or without a warrant of arrest or with or without a search warrant under certain conditions; and to provide for related matters.

**Floor Amendments Sent Up**

Senator C. Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator C Jones to Reengrossed House Bill No. 706 by Representative Martiny

**AMENDMENT NO. 1**

On page 2, line 10, after "activity" insert "since his release on parole"

On motion of Senator C. Jones, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Fields sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator C Fields to Reengrossed House Bill No. 706 by Representative Martiny

**AMENDMENT NO. 1**

On page 2, line 7, after "arrest or with" delete "or without"

Senator Fields moved adoption of the amendments.

Senator B. Jones objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Boissiere	Fields	Jones, CD
Cain	Gautreaux	Marionneaux
Chaisson	Holden	McPherson
Cravins	Irons	Tarver
Dupre	Johnson	
Total—14		

**NAYS**

Mr. President	Hines	Romero
Adley	Hoyt	Schedler
Barham	Jones, B	Smith
Dardenne	Lambert	Theunissen
Dean	Lentini	Thomas
Ellington	Malone	Ullo
Fontenot	Michot	
Heitmeier	Mount	
Total—22		

**ABSENT**

Bajoie	Bean	Hollis
Total—3		

The Chair declared the amendments were rejected.

The bill was read by title. Senator Cravins moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Jones, B	Smith
Dean	Lambert	Theunissen
Dupre	Lentini	Thomas
Ellington	Malone	Ullo
Total—30		

**NAYS**

Boissiere	Holden	Jones, CD
Fields	Johnson	Tarver
Total—6		

**ABSENT**

Bajoie	Bean	Hollis
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 707—**BY REPRESENTATIVES MARTINY AND SCHNEIDER  
AN ACT

To enact Code of Criminal Procedure Article 895(A)(13), relative to conditions of parole; to provide that the court may require certain additional conditions of probation; to provide for agreements to searches of the person, personal effects, property, place of residence, or vehicle of that person; to provide relative to conducting of the searches; to provide that the searches may be conducted with or without a warrant of arrest or with or without a search warrant under certain conditions; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 711—**BY REPRESENTATIVES HAMMETT AND DEWITT  
AN ACT

To enact R.S. 33:4548.5(A)(20) and 4548.6(N), relative to the powers of the Louisiana Local Government Environmental Facilities and Community Development Authority; to provide that the authority may make loans to political subdivisions under any loan guaranty program of any department or agency of the United States; to authorize political subdivisions to borrow from the authority; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Gautreaux	Marionneaux	
Total—34		

### NAYS

Dean  
Total—1

### ABSENT

Mr. President	Bean
Bajoie	Hollis
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## HOUSE BILL NO. 733—

BY REPRESENTATIVE MURRAY

### AN ACT

To amend and reenact R.S. 13:2496.3(H) and to enact R.S. 13:2496.3(G)(6) and (7), relative to the first appearance hearing officer of the Municipal Court of New Orleans; to provide for additional duties of the office; to provide for the provisions terminating the office and evaluation by the Judicial Council on continuing the office; and to provide for related matters.

The bill was read by title. Senator Johnson moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Total—35		

### NAYS

Total—0

### ABSENT

Mr. President	Bean
---------------	------

Bajoie  
Total—4

Hollis

The Chair declared the bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## HOUSE BILL NO. 752—

BY REPRESENTATIVES CAZAYOUX AND BRUCE

### AN ACT

To amend and reenact Code of Criminal Procedure Article 202(A)(introductory paragraph) and to enact Code of Criminal Procedure Article 202(D), relative to arrest warrants; to provide for issuance of the warrant by facsimile transmission; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Total—32		

### NAYS

Total—0

### ABSENT

Mr. President	Cravins	Marionneaux
Bajoie	Hollis	
Bean	Jones, CD	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## HOUSE BILL NO. 796—

BY REPRESENTATIVE MARTINY

### AN ACT

To enact R.S. 14:231, relative to offenses against property; to create the crime of air bag fraud; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Irons	Romero



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Chaisson	Johnson	Schedler
Cravins	Jones, B	Smith
Dardenne	Jones, CD	Tarver
Dupre	Lambert	Theunissen
Ellington	Lentini	Thomas
Fields	Malone	Ullo
Fontenot	Marionneaux	
Total—32		

NAYS

Dean	Hoyt
Total—2	

ABSENT

Mr. President	Bean	Hollis
Bajoie	Holden	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Rules Suspended

Senator Chaisson asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

### Called from the Calendar

Senator Chaisson asked that House Bill No. 121 be called from the Calendar at this time for its final passage.

### HOUSE BILL NO. 121— BY REPRESENTATIVES SHAW AND ILES AN ACT

To enact R.S. 32:295.3, relative to motor vehicle regulations; to prohibit drivers or operators from leaving children under the age of six unattended and unsupervised in motor vehicles; to provide for definitions; to provide for limitations of liability; to provide for applicability; to provide for penalties; and to provide for related matters.

### Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Reengrossed House Bill No. 121 by Representative Shaw

#### AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 1, 2, and 3 proposed by the Senate Committee on Judiciary C and adopted by the Senate on June 11, 2003.

#### AMENDMENT NO. 2

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 32:300(A) and to" and after "32:295.3" insert "and 300(F)"

#### AMENDMENT NO. 3

On page 1, line 6, between "penalties;" and "and" insert the following: "to prohibit passengers in motor vehicles from possessing open alcoholic beverage containers; to prohibit such persons from consuming alcoholic beverages; to provide for exceptions;"

#### AMENDMENT NO. 4

On page 1, line 9, change "R.S. 32:295.3 is" to "R.S. 32:300(A) is hereby amended and reenacted and R.S. 32:295.3 and 300(F) are"

#### AMENDMENT NO. 5

On page 1, after line 19, insert the following:

\* \* \*

§300. Possession of alcoholic beverages in motor vehicles

A. It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, when the motor vehicle is on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.

\* \* \*

F. The provisions of this Section shall not apply to the following persons or in the following areas:

(1) Persons operating or occupying a motor vehicle who, as a condition of their employment and while acting in the course and scope of such employment, are required to carry open alcoholic beverage containers, provided that the operator or passengers do not consume the alcoholic beverages.

(2) Paid fare passengers on a common or contract carrier vehicle, as defined in R.S. 45:162.

(3) Paid fare passengers on a public carrier vehicle, as defined in R.S. 45:200.2.

(4) Passengers in a courtesy vehicle which is operated as a courtesy vehicle for a hotel or motel.

(5) Passengers of a self-contained motor home which is in excess of twenty-one feet in length.

(6) Possession of an open container of alcoholic beverage in the trunk of a motor vehicle.

(7) If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas:

(a) In a locked glove or utility compartment.

(b) In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers."

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bajoie  
Total—3

Bean

Hollis

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Lambert in the Chair**

**House Bills and Joint Resolutions on  
Third Reading  
and Final Passage, Resumed**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 815—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:64.3, relative to attempted armed robbery; to provide for enhanced penalties when a firearm is used in the commission of the crime; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—32

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Romero  
Schedler  
Smith  
Theunissen  
Thomas  
Ullo

**NAYS**

Mount  
Total—1

**ABSENT**

Mr. President  
Bajoie  
Total—6

Bean  
Hollis

Lambert  
Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Mount asked for and obtained the floor of the Senate on a point of personal privilege, and stated she had voted in error on House Bill No. 815. She voted nay on the bill and had intended to vote yea. She asked that the Official Journal so state.

**HOUSE BILL NO. 818—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:1481(1)(a), relative to the Louisiana Assessors' Retirement Fund; to provide for financing of the fund; to provide for tax deductions; to provide for an effective date; and to provide for related matters.

On motion of Senator Hoyt, the bill was read by title and returned to the Calendar, subject to call.

**Rules Suspended**

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Appointment of Conference Committee  
on Senate Bill No. 968**

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 968: Senators Ellington, B. Jones and Michot.

**Mr. President in the Chair**

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 461—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:753, 771(22)(a)(i), 772(A)(1) and (F)(8), 774(I), and 775(A)(7)(c) and (d) and to enact R.S. 32:774(K), relative to the Louisiana Used Motor Vehicle and Parts Commission; to provide for licensing requirements and educational hours; to provide for definitions; to provide for the membership of the commission and the change of its name; to provide for the powers and duties of the commission; to provide for insurance requirements; to provide relative to grounds for denial, suspension, or revocation of licenses; and to provide for related matters.

**HOUSE BILL NO. 1286—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 39:1482(A)(1), relative to state contracts for professional, personal, consulting, and social services; to exempt certain consulting service contracts relating to acquisition of rights-of-way from certain requirements related to consulting contract procurements; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1531—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 11:3385.1(K)(5), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to provide for payment of the balance of a member's Deferred Retirement Option Plan account to the beneficiary; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1557—**

BY REPRESENTATIVES LANDRIEU AND MURRAY  
AN ACT

To amend and reenact R.S. 11:3385.2(A) and to enact R.S. 11:3385.1(L), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to authorize Deferred Retirement Option Plan participant to exercise an initial lump sum benefit option; and to provide for related matters.

**HOUSE BILL NO. 1760—**

BY REPRESENTATIVES LANDRIEU AND MONTGOMERY AND  
SENATOR B. JONES  
AN ACT

To repeal R.S. 49:112, to repeal the ten-year prescriptive period for claims against the state.

**HOUSE BILL NO. 1483—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact Part III of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:350 through 359, relative to the issuance of bonds; to authorize a benefits trust fund as an alternative fund for the payment of benefits for certain retirement systems; to authorize the establishment of benefit trust funds from bond proceeds; to provide for investment of proceeds deposited to the credit of the benefit payment fund; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1918—**

BY REPRESENTATIVE DOWNS  
AN ACT

To amend and reenact R.S. 40:1849(D)(5), relative to the Liquefied Petroleum Gas Commission Rainy Day Fund; to provide for use of certain monies in the fund; and to provide for related matters.

**HOUSE BILL NO. 1131—**

BY REPRESENTATIVE JACK SMITH AND SENATOR ROMERO  
AN ACT

To amend and reenact R.S. 33:2218.2(F)(1), relative to supplemental compensation for tribal officers of the Chitimacha Tribe of Louisiana; to increase the number of officers eligible for supplemental pay; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 28—**

BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 11:1352(A)(1) and R.S. 13:10.1, relative to the retirement of judges; to permit a judge who attains the mandatory retirement age while serving a term of office to complete that term of office; to provide for retirement benefits of judges in the noncontributory retirement plan for judges who retire after the mandatory retirement age in order to complete a term; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 458—**

BY REPRESENTATIVES CAZAYOUX AND BROOME  
AN ACT

To amend and reenact R.S. 38:301(A)(3) as amended and reenacted by Act No. 243 of the 2003 Regular Session of the Louisiana Legislature, relative to the authority of levee boards and levee and drainage boards; to authorize the construction of bicycle

paths and walkways along the main line levees of the Mississippi River in West Baton Rouge Parish; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Johnson asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE BILL NO. 28—**

BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 11:1352(A)(1) and R.S. 13:10.1, relative to the retirement of judges; to permit a judge who attains the mandatory retirement age while serving a term of office to complete that term of office; to provide for retirement benefits of judges in the noncontributory retirement plan for judges who retire after the mandatory retirement age in order to complete a term; to provide for effectiveness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 458—**

BY REPRESENTATIVES CAZAYOUX AND BROOME  
AN ACT

To amend and reenact R.S. 38:301(A)(3) as amended and reenacted by Act No. 243 of the 2003 Regular Session of the Louisiana Legislature, relative to the authority of levee boards and levee and drainage boards; to authorize the construction of bicycle paths and walkways along the main line levees of the Mississippi River in West Baton Rouge Parish; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 461—**

BY REPRESENTATIVE DIEZ  
AN ACT

To amend and reenact R.S. 32:753, 771(22)(a)(i), 772(A)(1) and (F)(8), 774(I), and 775(A)(7)(c) and (d) and to enact R.S. 32:774(K), relative to the Louisiana Used Motor Vehicle and Parts Commission; to provide for licensing requirements and educational hours; to provide for definitions; to provide for the membership of the commission and the change of its name; to provide for the powers and duties of the commission; to provide for insurance requirements; to provide relative to grounds for denial, suspension, or revocation of licenses; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**HOUSE BILL NO. 1131—**

BY REPRESENTATIVE JACK SMITH AND SENATOR ROMERO  
AN ACT

To amend and reenact R.S. 33:2218.2(F)(1), relative to supplemental compensation for tribal officers of the Chitimacha Tribe of Louisiana; to increase the number of officers eligible for supplemental pay; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

**HOUSE BILL NO. 1286—**

BY REPRESENTATIVE DIEZ

**AN ACT**

To amend and reenact R.S. 39:1482(A)(1), relative to state contracts for professional, personal, consulting, and social services; to exempt certain consulting service contracts relating to acquisition of rights-of-way from certain requirements related to consulting contract procurements; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

**HOUSE BILL NO. 1483—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To enact Part III of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:350 through 359, relative to the issuance of bonds; to authorize a benefits trust fund as an alternative fund for the payment of benefits for certain retirement systems; to authorize the establishment of benefit trust funds from bond proceeds; to provide for investment of proceeds deposited to the credit of the benefit payment fund; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 1531—**

BY REPRESENTATIVE ARNOLD

**AN ACT**

To amend and reenact R.S. 11:3385.1(K)(5), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to provide for payment of the balance of a member's Deferred Retirement Option Plan account to the beneficiary; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1557—**

BY REPRESENTATIVES LANDRIEU AND MURRAY

**AN ACT**

To amend and reenact R.S. 11:3385.2(A) and to enact R.S. 11:3385.1(L), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to authorize Deferred Retirement Option Plan participant to exercise an initial lump sum benefit option; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1760—**

BY REPRESENTATIVES LANDRIEU AND MONTGOMERY AND SENATOR B. JONES

**AN ACT**

To repeal R.S. 49:112, to repeal the ten-year prescriptive period for claims against the state.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1918—**

BY REPRESENTATIVE DOWNS

**AN ACT**

To amend and reenact R.S. 40:1849(D)(5), relative to the Liquefied Petroleum Gas Commission Rainy Day Fund; to provide for use of certain monies in the fund; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 202—**

BY REPRESENTATIVES GLOVER, GALLOT, AND MONTGOMERY

**A CONCURRENT RESOLUTION**

To request the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and function as a joint committee to evaluate the feasibility of and funding for a pay raise for state employees.

**HOUSE CONCURRENT RESOLUTION NO. 224 (Substitute  
for HCR No. 109 by Representatives Futrell and Diez)—**

BY REPRESENTATIVES FUTRELL AND DIEZ

**A CONCURRENT RESOLUTION**

To request the House Committee on Transportation, Highways and Public Works and the Senate Committee on Finance to meet and function as a joint committee to evaluate the structure, operation, and means of funding of the Department of Transportation and Development, to compare similar agencies in other states, and to make recommendations to the legislature relative to funding and organizational structure.

**HOUSE CONCURRENT RESOLUTION NO. 226—**

BY REPRESENTATIVE DEWITT

**A CONCURRENT RESOLUTION**

To create a task force to study the practicality and feasibility of constructing a bypass around the cities of Alexandria and Pineville to be known as the Alexandria-Pineville Loop.

**HOUSE CONCURRENT RESOLUTION NO. 190—**

BY REPRESENTATIVE MARTINY

**A CONCURRENT RESOLUTION**

To suspend the provisions of Louisiana Code of Criminal Procedure Article 895.4 to the extent that those provisions authorize any agency which is certified as a crime stopper organization by any chief of any law enforcement agency other than a sheriff or a chief of a municipal police department to receive any funds from the additional cost of court imposed by Code of Criminal Procedure Article 895.4 other than funds which are derived from the cases which are investigated, developed, and referred to prosecution by those agencies.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 190—**

BY REPRESENTATIVE MARTINY

**A CONCURRENT RESOLUTION**

To suspend the provisions of Louisiana Code of Criminal Procedure Article 895.4 to the extent that those provisions authorize any agency which is certified as a crime stopper organization by any chief of any law enforcement agency other than a sheriff or a chief of a municipal police department to receive any funds from the additional cost of court imposed by Code of Criminal Procedure Article 895.4 other than funds which are derived from the cases which are investigated, developed, and referred to prosecution by those agencies.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Judiciary C.

**HOUSE CONCURRENT RESOLUTION NO. 202—**

BY REPRESENTATIVES GLOVER, GALLOT, AND MONTGOMERY

**A CONCURRENT RESOLUTION**

To request the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and function as a joint committee to evaluate the feasibility of and funding for a pay raise for state employees.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 224 (Substitute for HCR No. 109 by Representatives Futrell and Diez)—**

BY REPRESENTATIVES FUTRELL AND DIEZ

**A CONCURRENT RESOLUTION**

To request the House Committee on Transportation, Highways and Public Works and the Senate Committee on Finance to meet and function as a joint committee to evaluate the structure, operation, and means of funding of the Department of Transportation and Development, to compare similar agencies in other states, and to make recommendations to the legislature relative to funding and organizational structure.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 226—**

BY REPRESENTATIVE DEWITT

**A CONCURRENT RESOLUTION**

To create a task force to study the practicality and feasibility of constructing a bypass around the cities of Alexandria and Pineville to be known as the Alexandria-Pineville Loop.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**EDUCATION**

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

**HOUSE CONCURRENT RESOLUTION NO. 195—**

BY REPRESENTATIVES TOWNSEND, SALTER, AND THOMPSON

**A CONCURRENT RESOLUTION**

To urge and request the Board of Regents, in consultation with each of the postsecondary education management boards and their respective institutions, to formulate, develop, and recommend for implementation by such management boards and institutions methods, programs, and strategies for meeting in an effective and efficient manner the need and demand for quality community college level educational programs and services by students who are located in geographic areas in which there is no public community college or in which community college services are limited by using the faculties, facilities, and other resources available at public baccalaureate degree-granting institutions.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 219—**

BY REPRESENTATIVE FAUCHEUX

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana High School Athletic Association to prepare warnings regarding dietary supplements containing ephedra for distribution at high schools in the state of Louisiana.

Reported with amendments.

**HOUSE BILL NO. 439—**

BY REPRESENTATIVE MARTINY

**AN ACT**

To amend and reenact R.S. 17:3048.1(A)(1)(c)(iii), relative to the Tuition Opportunity Program for Students Performance Award; to provide eligibility requirements for an initial award; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1231—**

BY REPRESENTATIVES FUTRELL AND NEVERS

**AN ACT**

To amend and reenact R.S. 17:427.2(B), relative to the Critical Teacher Shortage Incentive Program; to provide relative to the definition of "newly certified teacher" for purposes of the program; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1923—**

BY REPRESENTATIVES HUDSON AND NEVERS

**AN ACT**

To enact R.S. 17:427.3, to provide for the Teach Louisiana First Program to reduce the shortage of certified teachers in certain schools; to provide for program purposes, eligibility criteria, incentive payments, reports, administration, and funding; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
GERALD J. THEUNISSEN  
Chairman

**REPORT OF COMMITTEE ON**

**TRANSPORTATION, HIGHWAYS, AND  
PUBLIC WORKS**

Senator Heitmeier, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 125—**

BY SENATOR B. JONES

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to place the appropriate signs on Interstate 20 identifying the Delta Ouachita Campus of the Louisiana Technical College and the West Ouachita Industrial Park.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 127—**

BY REPRESENTATIVES WINSTON, CROWE, SCHNEIDER, AND STRAIN  
AND SENATORS SCHEDLER AND THOMAS

**A CONCURRENT RESOLUTION**

To urge and request the secretary of the Department of Transportation and Development to give certain notice regarding changes to the highway priority program and to expand the number and scope of capacity projects in the priority program.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 144—**

BY REPRESENTATIVE SALTER

**A CONCURRENT RESOLUTION**

To create the Sabine River Authority Conservation Pool Level Advisory Council to study the issues and concerns relative to the establishment of a conservation pool level and prohibition of hydroelectric power generation by the Sabine River Authority at Toledo Bend Reservoir under certain circumstances.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 155 (Substitute for House Concurrent Resolution No. 53 by Representative LaFleur)—**

BY REPRESENTATIVE LAFLEUR

**A CONCURRENT RESOLUTION**

To amend the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors rule (LAC 46:LXI.105(A)), which includes a definition of the phrase "practice of land surveying", by adding a Paragraph (e) to such definition; to authorize owners of agricultural land or their employees to prepare their own topographical maps for certain specified purposes; and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 176—**

BY REPRESENTATIVE DIEZ

**A CONCURRENT RESOLUTION**

To urge and request the House and Senate Transportation, Highways and Public Works Committees to study transportation coordination and efficiency within the Port of New Orleans and to work with representatives from the state and private industries to make recommendations to improve transportation coordination and efficiency, and to report its findings to the legislature prior to January 1, 2004.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 214—**

BY REPRESENTATIVE DARTEZ

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to replace signs along Louisiana Highway 90 indicating exits to Morgan City with larger signs.

Reported favorably.

**HOUSE BILL NO. 1348—**

BY REPRESENTATIVE PITRE

**AN ACT**

To amend and reenact R.S. 34:3254(C), relative to the Grand Isle Port Commission; to provide with respect to the maximum amount of indebtedness which may be incurred by the commission; to provide that indebtedness incurred by the commission shall not be guaranteed by the town of Grand Isle; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1397—**

BY REPRESENTATIVE DIEZ

**AN ACT**

To enact R.S. 38:2212(A)(3)(f), relative to public contracts; to prohibit allowances in certain contracts; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1690—**

BY REPRESENTATIVE DIEZ

**AN ACT**

To amend and reenact R.S. 48:81(A)(1) and (2) and (B)(2) and (4), 82(B)(4), (C), (D)(4), (6), and (10), and (E), and 83(A)(1), relative to the Louisiana Infrastructure Bank; to authorize loans from the bank to fund Department of Transportation and Development approved infrastructure projects of public entities; to require the state treasurer to serve as president and chairman of the board; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1708—**

BY REPRESENTATIVES HAMMETT AND FAUCHEUX

**AN ACT**

To enact Part V of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1950.1 and 1950.2, relative to historic roads and Louisiana byways; to designate the Louisiana Great River Road as a Louisiana byway; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1876—**

BY REPRESENTATIVE K. CARTER

**AN ACT**

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), (ee), (ii)(aa), (cc), (dd)(I), and (ee) and to enact R.S. 30:2511(D), relative to drivers' licenses; to increase the fee for issuance and renewal of drivers' licenses; to require funds from such fee increase to be forwarded to the office of environmental education; to provide relative to the use of such funds; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1945—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 56:1948.1, 1948.3, 1948.4, and 1948.7(A) and to enact R.S. 36:209(X) and 802.18 and Part III-A of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1948.11 through 1948.13, relative to the Louisiana Byways Program; to provide relative to selection of byways; to create the Louisiana Byways Commission as a state agency in the Department of Culture, Recreation and Tourism; to provide for the jurisdiction and purpose of the commission; to provide for membership of such commission, and its powers, duties, and functions; to provide for legislative oversight of the commission; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 2002—**

BY REPRESENTATIVE PITRE

AN ACT

To enact R.S. 45:858, relative to carriers; to provide that an owner of goods, products, or commodities is not automatically an offeror; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
FRANCIS C. HEITMEIER  
Chairman

**House Concurrent Resolutions  
on Second Reading  
Reported by Committees**

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just reported by Committees.

**HOUSE CONCURRENT RESOLUTION NO. 155 (Substitute for House Concurrent Resolution No. 53 by Representative LaFleur)—**

BY REPRESENTATIVE LAFLEUR

A CONCURRENT RESOLUTION

To amend the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors rule (LAC 46:LXI.105(A)), which includes a definition of the phrase "practice of land surveying", by adding a Paragraph (e) to such definition; to authorize owners of agricultural land or their employees to prepare their own topographical maps for certain specified purposes; and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

The resolution was read by title and referred to the Legislative Bureau.

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

**HOUSE BILL NO. 439—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(c)(iii), relative to the Tuition Opportunity Program for Students Performance Award; to provide eligibility requirements for an initial award; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1231—**

BY REPRESENTATIVES FUTRELL AND NEVERS

AN ACT

To amend and reenact R.S. 17:427.2(B), relative to the Critical Teacher Shortage Incentive Program; to provide relative to the definition of "newly certified teacher" for purposes of the program; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1348—**

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 34:3254(C), relative to the Grand Isle Port Commission; to provide with respect to the maximum amount of indebtedness which may be incurred by the commission; to provide that indebtedness incurred by the commission shall not be guaranteed by the town of Grand Isle; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1397—**

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 38:2212(A)(3)(f), relative to public contracts; to prohibit allowances in certain contracts; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1397 by Representative Diez

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 38:2212(A)(3)(f)" insert "and (g)" and change "prohibit" to "restrict"

AMENDMENT NO. 2

On page 1, line 3, after "contracts;" insert "to provide for contracts providing construction management services;"

AMENDMENT NO. 3

On page 1, line 5, change "is" to "and (g) are"

AMENDMENT NO. 4

On page 1, delete line 12, and insert the following:

"(f) Use of allowances in proposals shall be restricted to minor items and shall be limited to hardware, face brick, landscaping,

electric light fixtures, and carpeting. Allowances may not be utilized by the design professional or public entity to control the selection of a subcontractor or supplier.

(g) Contracts providing construction management services to a public entity for public work shall be duly advertised by the public entity in accordance with the provisions of this Section and shall be awarded through competitive bidding pursuant to R.S. 38:2212, et seq."

On motion of Senator Heitmeier, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1690—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:81(A)(1) and (2) and (B)(2) and (4), 82(B)(4), (C), (D)(4), (6), and (10), and (E), and 83(A)(1), relative to the Louisiana Infrastructure Bank; to authorize loans from the bank to fund Department of Transportation and Development approved infrastructure projects of public entities; to require the state treasurer to serve as president and chairman of the board; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 1690 by Representative Diez

**AMENDMENT NO. 1**

On page 1, line 3, after "83(A)(1)" and before the comma ",", insert "and (C) and to enact R.S. 48:83(H)"

**AMENDMENT NO. 2**

On page 1, line 11, after "83(A)(1)" insert "and (C)" and at the end of the line insert "and R.S. 48:83(H) is hereby enacted"

**AMENDMENT NO. 3**

On page 6, after line 4, insert the following:

"C. Notwithstanding any other provision of law to the contrary, a parish, municipality, or other local political subdivision upon entering into an infrastructure bank loan as provided in this Subpart may dedicate and pledge a portion of any revenues it has available to it, including but not limited to revenues from the general revenue fund, sales taxes, sewer user fees, assessments, parcel fees, or ad valorem property taxes of the parish, municipality, or other local political subdivision for a term not exceeding ~~five~~ fifteen years from the date of project completion for repayment of the principal of, interest on, and any premium, administrative fee or other fee, or cost incurred in connection with such loan.

\* \* \*

H. Notwithstanding any other provision of law to the contrary:

(1) Bonds, notes, or other evidence of indebtedness issued or any infrastructure bank loan entered into pursuant to this Section shall be a legal investment for all public or private entities, including but not limited to state or statewide public retirement systems.

(2) Public or private entities may purchase or guarantee bonds of the infrastructure bank.

(3) Public or private entities may enhance the performance of the infrastructure bank by entering into financial arrangements pursuant to a financing agreement containing such terms as necessary or convenient to further the purposes of this Subpart."

On motion of Senator Heitmeier, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the

Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1708—**

BY REPRESENTATIVES HAMMETT AND FAUCHEUX

AN ACT

To enact Part V of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1950.1 and 1950.2, relative to historic roads and Louisiana byways; to designate the Louisiana Great River Road as a Louisiana byway; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1876—**

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), (ee), (ii)(aa), (cc), (dd)(I), and (ee) and to enact R.S. 30:2511(D), relative to drivers' licenses; to increase the fee for issuance and renewal of drivers' licenses; to require funds from such fee increase to be forwarded to the office of environmental education; to provide relative to the use of such funds; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1923—**

BY REPRESENTATIVES HUDSON AND NEVERS

AN ACT

To enact R.S. 17:427.3, to provide for the Teach Louisiana First Program to reduce the shortage of certified teachers in certain schools; to provide for program purposes, eligibility criteria, incentive payments, reports, administration, and funding; and to provide for related matters.

Reported with amendments by the Committee on Education.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 1923 by Representative Hudson

**AMENDMENT NO. 1**

On page 1, line 10, after "A." insert "(1)"

**AMENDMENT NO. 2**

On page 1, line 15, after "Education" insert ", referred to in this Section as the "state board.""

**AMENDMENT NO. 3**

On page 2, between lines 3 and 4, insert the following:

"(2)(a) The program shall provide for the payment, pursuant to a contract with the Louisiana Student Financial Assistance Commission, referred to in this Section as the "administering agency", of incentive pay to highly qualified teachers who are employed by city, parish, or other local public school boards, referred to in this Section as a "school board", selected by the state Department of Education, referred to in this Section as the "department", pursuant to standards established by the state board, all as provided in this Section.

(b) The state board shall by rule adopted pursuant to the Administrative Procedure Act and through the department:

(i) Establish the criteria for and identify the schools in which teachers eligible to receive incentives pursuant to this Section may be



employed and designate the teaching positions within such schools that are critical to the school's improvement.

(ii) Determine the interest of the school board with jurisdiction over a school identified pursuant to Item (i) of this Subparagraph in participating in the program and provide such school board with all criteria and guidelines regarding the program.

(iii) Establish the criteria for identifying teachers eligible to receive incentives pursuant to this Section and criteria for selecting the most highly qualified among those eligible and seeking to participate.

(iv)(aa) Establish and execute a system of prioritization for the allocation of the authority to employ teachers eligible to be receive incentives pursuant to this Section.

(bb) In determining such prioritization, the state board shall:

(aaa) Provide that one-third of the teachers employed who receive incentives pursuant to this Section are employed in failing schools and two-thirds are employed in rural schools that are not designated as failing, but which have academic deficiencies and are in disadvantaged areas.

(bbb) Seek to provide for the employment of such teachers in a sufficient number in a school to create improvement in student achievement through change in the culture of the school and/or the school system.

(v)(aa) Pursuant to the system of prioritization established pursuant to Item (iv) of this Subparagraph, select and notify participating school boards and specify the schools and the positions within the schools to be filled with teachers who shall receive incentives pursuant to this Section.

(bb) Provide for the reallocation of positions which remain unfilled by selected schools.

(vi) Provide for the certification of the qualification, employment, and continued contractual compliance of each teacher employed and receiving incentives pursuant to this Section.

(vii) Cooperatively establish and cause to be conducted a periodic evaluation of the program to measure its effectiveness in promoting the program purpose specified in this Section."

#### AMENDMENT NO. 4

On page 2, delete lines 4 through 15, and insert the following:

"B. (1) To participate in the program, a teacher shall be employed by a school board to fill a position specified pursuant to this Section, sign an employment contract with the school board to teach in a selected school in a subject area in which the applicant is certified that has been designated as critical to the school's recovery by the state board, sign a program contract with the"

#### AMENDMENT NO. 5

On page 2, line 18, change "graduated from" to "completed" and change "nationally or regionally accredited" to "state approved"

#### AMENDMENT NO. 6

On page 2, line 20 change "state Department of" to "department" and on line 21, delete "Education"

#### AMENDMENT NO. 7

On page 2, line 23, change "state Department of" to "department" and on line 24, delete "Education"

#### AMENDMENT NO. 8

On page 3, at the end of line 2, delete "state" and on line 3, change "Department of Education" to "department"

#### AMENDMENT NO. 9

On page 3, line 7, after "shall" delete the remainder of the line and delete lines 8 through 10, and insert the following:

"meet all other requirements for certification and employment as a teacher in public schools required by law and the rules and regulations of the state board, comply with all"

#### AMENDMENT NO. 10

On page 3, line 11, after "contract" delete the remainder of the line and insert ", and comply with the"

#### AMENDMENT NO. 11

On page 3, line 15, change "participation of all" to "payment of incentives to each" and on line 16, after "eligible" change "applicants" to "teacher"

#### AMENDMENT NO. 12

On page 3, line 17, change "best" to "most highly"

#### AMENDMENT NO. 13

On page 3, line 18, change "best" to "most highly"

#### AMENDMENT NO. 14

On page 3, line 20, after "purpose" insert "pursuant to prioritization provided to the administering agency by the department"

#### AMENDMENT NO. 15

On page 3, between lines 20 and 21, insert the following:

"(4) To participate in a rural school with academic deficiencies in a disadvantaged area, a teacher shall be newly employed in the school system. To participate in a failing school, a teacher may be employed in the school system, but shall be newly assigned to the failing school."

#### AMENDMENT NO. 16

On page 3, line 21, after "Each" delete "eligible applicant" and insert "school board which employs a teacher"

#### AMENDMENT NO. 17

On page 3, line 23, after "contract with" change "a" to "the"

#### AMENDMENT NO. 18

On page 3, line 25, after "receive" change "an incentive" to "a" and after "dollars" insert "to be paid by the school board to such teacher"

#### AMENDMENT NO. 19

On page 4, line 2, change "participant" to "teacher" and change "selected for continuation" to "continued"

#### AMENDMENT NO. 20

On page 4, delete lines 4 and 5, and insert the following:

"school is continued in the program as determined by the department, the school board which employs the teacher shall receive four thousand dollars or, upon the teacher"

#### AMENDMENT NO. 21

On page 4, line 7, after "year" insert the following:

"to be paid by the school board to such teacher as provided in this Section"

#### AMENDMENT NO. 22

On page 4, line 8, after "Each" delete "eligible applicant" and insert "school board which employs the teacher"

#### AMENDMENT NO. 23

On page 4, line 10, after "with" change "a" to "the"

#### AMENDMENT NO. 24

On page 4, line 12, after "receive" change "an incentive" to "a" and after "dollars" insert "to be paid by the school board to such teacher"

#### AMENDMENT NO. 25

On page 4, line 15, change "participant" to "teacher" and change "selected for continuation" to "continued"

#### AMENDMENT NO. 26

On page 4, delete line 17, and insert the following:

"school is continued in the program as determined by the department."

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## 40th DAY'S PROCEEDINGS

### AMENDMENT NO. 27

On page 4, at the beginning of line 18, delete "agency," and insert "the school board which employs"

### AMENDMENT NO. 28

On page 4, after line 25, insert the following:

"(4) Each participating school board shall provide the incentive pay to which a teacher is entitled pursuant to this Section in three payments. The first shall be paid at the beginning of the school year; the second at the conclusion of the first one-half of the school year; the third at the conclusion of the school year. Such payments may be included in the teacher's regular pay check that occurs at the designated time or may be paid in an additional and separate check. The exact time for the payments required by this Paragraph shall be determined by the employing school board provided such times generally meet the requirements of this Paragraph."

### AMENDMENT NO. 29

On page 5, line 1, change "(4)" to "(5)"

### AMENDMENT NO. 30

On page 5, line 10, change "applicant" to "teacher"

### AMENDMENT NO. 31

On page 5, line 12, change "applicant" to "teacher"

### AMENDMENT NO. 32

On page 5, line 18, after "year" insert the following:  
"pursuant to notification by the employing school board to the department and the administering agency"

### AMENDMENT NO. 33

On page 5, line 20, after "shall be" insert "prepared by the administering agency in consultation and cooperation with the department, shall be" and after "attorney general" insert a comma ",."

### AMENDMENT NO. 34

On page 5, at the end of line 22, change "applicant" to "teacher"

### AMENDMENT NO. 35

On page 5, line 23, change "applicant" to "teacher"

### AMENDMENT NO. 36

On page 5, line 25, change "applicant" to "teacher"

### AMENDMENT NO. 37

On page 5, line 26, after "payment" change "was" to "is"

### AMENDMENT NO. 38

On page 6, line 5, change "applicant's" to "teacher's"

### AMENDMENT NO. 39

On page 6, line 13, after "E." insert "(1)"

### AMENDMENT NO. 40

On page 6, line 16, after "program." insert "(2)"

### AMENDMENT NO. 41

On page 6, line 18, change "(1)" to "(a)"

### AMENDMENT NO. 42

On page 6, line 21, change "(2)" to "(b)" delete "and criteria" and after "boards" delete "in"

### AMENDMENT NO. 43

On page 6, delete lines 22 through 25, and insert the following:  
"participating in the program to receive incentive payments and provide needed information to the administering agency."

### AMENDMENT NO. 44

On page 6, line 26, change "(4)" to "(c)" and after "recovering" delete the remainder of the line and insert "from school boards unused funding."

### AMENDMENT NO. 45

On page 7, delete lines 1 and 2, and on line 3, change "(6)" to "(d)"

### AMENDMENT NO. 46

On page 7, at the end of line 4, delete "program" and at the beginning of line 5, change "participants" to "teachers"

### AMENDMENT NO. 47

On page 7, line 6, change "(7)" to "(e)"

### AMENDMENT NO. 48

On page 7, line 7, after "annually" delete the remainder of the line and on line 8, delete "allocations may be made."

### AMENDMENT NO. 49

On page 7, delete lines 9 through 13, and insert the following:

"set by the state board."

"(f) Guidelines for the submission, including deadlines, of information as required for administration of the program."

### AMENDMENT NO. 50

On page 7, line 14, change "(9)" to "(g)"

### AMENDMENT NO. 51

On page 7, line 15, change "program participants" to "participating schools"

### AMENDMENT NO. 52

On page 7, line 16, change "(10)" to "(h)"

### AMENDMENT NO. 53

On page 7, line 17, after "when" delete the remainder of the line and insert "either the teacher, the school, or the school board"

### AMENDMENT NO. 54

On page 7, at the beginning of line 18, delete "participant" and after "contracts" insert "or the requirements of the program"

### AMENDMENT NO. 55

On page 7, line 19, change "(11)" to "(i)"

### AMENDMENT NO. 56

On page 8, delete lines 1 through 21, and insert the following:

"G.(1) The state board, the department, and the participating school boards shall provide information to the commission at times required by the commission as needed to administer the program."

### AMENDMENT NO. 57

On page 8, line 22, change "State Board of" to "state board"

### AMENDMENT NO. 58

On page 8, line 23, delete "Elementary and Secondary Education"

### AMENDMENT NO. 59

On page 8, line 26, change "test score" to "achievement" and change "achieved" to "made"

### AMENDMENT NO. 60

On page 9, line 1, after "program" insert a comma ",."

### AMENDMENT NO. 61

On page 9, line 2, after "whether" insert "improvements have been made in the culture of the school and/or the school system as a result of the program, and whether"

### AMENDMENT NO. 62

On page 9, line 4, after "position" delete the remainder of the line

AMENDMENT NO. 63

On page 9, line 5, delete "commission" and after "fill" change "a" to "the specified"

AMENDMENT NO. 64

On page 9, line 6, after "position" delete the remainder of the line

AMENDMENT NO. 65

On page 9, line 7, delete "Section" and after "been" delete the remainder of the line and insert "selected to participate."

AMENDMENT NO. 66

On page 9, delete lines 8 through 11

AMENDMENT NO. 67

On page 9, line 14, change "a program position allocation" to "participation"

AMENDMENT NO. 68

On page 9, line 15, after "return" change "the allocation" to "any allocated money"

AMENDMENT NO. 69

On page 9, line 17, delete "allocated"

AMENDMENT NO. 70

On page 9, line 19, after "If" delete "the commission renews"

AMENDMENT NO. 71

On page 9, line 20, change "position allocation" to "positions are continued"

AMENDMENT NO. 72

On page 9, line 21, after "incumbent" change "of a renewed" to "in the"

On motion of Senator Theunissen, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1945—**

BY REPRESENTATIVE DIEZ

## AN ACT

To amend and reenact R.S. 56:1948.1, 1948.3, 1948.4, and 1948.7(A) and to enact R.S. 36:209(X) and 802.18 and Part III-A of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1948.11 through 1948.13, relative to the Louisiana Byways Program; to provide relative to selection of byways; to create the Louisiana Byways Commission as a state agency in the Department of Culture, Recreation and Tourism; to provide for the jurisdiction and purpose of the commission; to provide for membership of such commission, and its powers, duties, and functions; to provide for legislative oversight of the commission; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2002—**

BY REPRESENTATIVE PITRE

## AN ACT

To enact R.S. 45:858, relative to carriers; to provide that an owner of goods, products, or commodities is not automatically an offeror; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 404 from the Committee on Finance.

**HOUSE BILL NO. 404—**

BY REPRESENTATIVES HUDSON, CURTIS, LAFLEUR, MORRELL, NEVERS, JACK SMITH, TRICHE, WELCH, WINSTON, BRUCE, ROMERO, AND SNEED

## AN ACT

To enact R.S. 14:79.2 and R.S. 46:2143, relative to domestic abuse assistance; to authorize the use of electronic monitoring equipment in certain domestic violence cases; to require the court to specify the terms of electronic monitoring; to provide for minimum requirements of electronic monitoring; to create the crime of tampering with electronic monitoring equipment; to provide for criminal penalties; and to provide for related matters.

Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 914 from the Committee on Finance.

**HOUSE BILL NO. 914—**

BY REPRESENTATIVE SCHNEIDER

## AN ACT

To amend and reenact R.S. 11:1331(A), relative to the Louisiana State Police Retirement System; to provide for cost-of-living adjustments; to specify the circumstances under which such adjustments may be granted; to provide for the calculation of such adjustments; and to provide for related matters.

Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Motion to Recommit**

Senator Marionneaux asked for and obtained a suspension of the rules and recommitment House Bill No. 458 from the Committee on Transportation, Highways, and Public Works to the Committee on Local and Municipal Affairs.

**Privilege Report of the Committee on Senate and Governmental Affairs****ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

**SENATE BILL NO. 10—**  
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 15:254.6(B)(2) relative to compulsory process; to provide for the use of unexpended and unencumbered funds in the witness fee account for the town of Welsh; to provide that surplus funds may be deposited into the town's general fund to pay for infrastructure improvements and equipment; and to provide for related matters.

**SENATE BILL NO. 42—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 38:2212(C)(2), relative to public work; to require public entities to transmit addendum to bids for contracts for such work exceeding the contract limit by means other than mail; and to provide for related matters.

**SENATE BILL NO. 104—**

BY SENATOR BARHAM AND REPRESENTATIVES MCDONALD, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 13:3881(A)(2)(d) and to enact R.S. 13:3881(A)(2)(f), relative to seizures; to provide for an exemption from seizure for a motor vehicle valued at seven thousand five hundred dollars or less; to provide for the exemption from seizure of one firearm with a maximum value of five hundred dollars; and to provide for related matters.

**SENATE BILL NO. 110—**

BY SENATORS HINES AND HOYT

AN ACT

To amend and reenact R.S. 17:416(B)(1)(b), relative to minimum blade length; to prohibit a student from carrying or possessing a knife of any blade length; to provide for the discipline of such student; and to provide for related matters.

**SENATE BILL NO. 132—**

BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 40:1300.61(C)(1), relative to the River Region Cancer Screening and Early Detection District; to increase the membership by two on the board of commissioners; and to provide for related matters.

**SENATE BILL NO. 155—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 17:421.8(B), relative to school counselors; to provide relative to salary supplements for school counselors who hold a National Certified School Counselor credential issued by the National Board for Certified Counselors; to provide for verification; to require submission of certain documentation to the Department of Education by a certain date; to provide relative to the payment of the initial supplement; and to provide for related matters.

**SENATE BILL NO. 197—**

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11: 181(B)(3), relative to Louisiana Clerks of Court Retirement System and Relief Fund; to delete reference to the chairman of the Senate Finance Committee from the provisions of law relating to per diem; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 199—**

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1541, relative to Louisiana Clerks of Court Retirement System and Relief Fund; to provide that the chairman of the Senate Retirement Committee shall serve as an ex officio member; and to provide for related matters.

**SENATE BILL NO. 215—**  
BY SENATOR BOISSIERE

AN ACT

To repeal R.S. 11:205, relative to the Louisiana State University Retirement System; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 232—**

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 40:1299.41(A)(1) and (3), relative to medical malpractice; to provide changes in definitions of certain terms; and to provide for related matters.

**SENATE BILL NO. 251—**

BY SENATOR LENTINI

(On Recommendation of the La. Law Institute)  
AN ACT

To amend and reenact R.S. 9:1893, 1963, 1965, 1990, 2051, 2068, 2159(1), 2241, and 2273 and to enact R.S. 9:1809, 1979, and 2131, relative to the Louisiana Trust Code, the beneficiaries of a trust, the powers of a trustee, and the principal and income of a trust; to provide for the representation of a principal beneficiary who is a descendant, a sibling, or a descendant of a sibling of the settlor and who predeceases the settlor of a testamentary trust; to provide for a definition of accumulated income and to permit its distribution without objective standards; to provide for the beneficiaries of an interest in trust income after the termination of an interest in trust income; to provide for the status of a potential substitute principal beneficiary; to provide for the effect of a refusal of an interest in a trust; to provide for the modification, division, termination, or revocation of a trust by a testament; to provide for the non-prorata distribution of trust property by a trustee; to provide that a trustee may not make an adjustment between principal and income if the adjustment would cause ineligibility for the estate-tax or gift tax marital deduction or charitable deduction; to provide for the selection by the trustee of the attorney to handle the legal affairs of a trust; to provide for the authority of corporate trustees under the charitable trust provisions; and to provide for related matters.

**SENATE BILL NO. 252—**

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 40:1496(I), relative to fire protection districts; to provide for the membership of the board of commissioners of the Terrebonne Parish Fire District Number Five; to provide for extending the district into Lafourche Parish; to provide for the terms of office for board members; to provide for the board chairman; and to provide for related matters.

**SENATE BILL NO. 301—**

BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 46:56(F)(7), relative to the confidentiality of client records; to authorize the release of non-identifying medical or genetic information from the department's records to a former foster child or his representative; and to provide for related matters.

**SENATE BILL NO. 346—**

BY SENATORS DARDENNE, SCHEDLER, CAIN, BARHAM, BOISSIERE, CRAVINS, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HINES, HOLDEN, HOLLIS, HOYT, IRONS, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES CAZAYOUX, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BEARD, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GUILLORY, HEATON, HEBERT, HILL, HOPKINS, HUDSON, HUTTER, ILES, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC,

PITRE, POWELL, QUEZAIRE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOOMY, TRICHE, WADDELL, WALKER, WELCH, WINSTON AND WOOTON

AN ACT

To amend and reenact R.S. 15:603(8), (9), (10), and (11), and 609(A), (B), and (C) and Code of Criminal Procedure Art. 572 and to enact R.S. 15:609(F), (G), (H), and (I) and to repeal R.S. 15:615 and 619, relative to DNA detection of sexual and violent offenders; to provide relative to the collection of DNA samples from certain offenders; to provide for definitions; to add certain offenses to crimes requiring the collection of such samples; to provide relative to juvenile offenders; to require DNA samples collection of such offenders under certain conditions; to require DNA sample collection after interstate transfer of offenders under certain conditions; to prohibit the invalidation of a database match under certain circumstances; to provide relative to the limitation of the prosecution of noncapital offenses; to provide for exceptions to such limitations; to require retroactivity of such exceptions; to authorize the use of force under certain circumstances; to repeal provisions with respect to the mandatory charge to be imposed on certain persons; to repeal provisions with respect to the DNA Detection Fund; to provide for the effectiveness of certain provisions; and to provide for related matters.

**SENATE BILL NO. 413—**

BY SENATORS SMITH AND DUPRE  
AN ACT

To enact R.S. 33:381.2, relative to municipal officers; to provide that municipalities with a population of five thousand or less may appoint or elect the marshal who is the chief of police; to provide the procedure for appointment or election; and to provide for related matters.

**SENATE BILL NO. 457—**

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 13:2586(D) and to enact R.S. 13:2586(C)(4) and 2587.2, relative to jurisdiction for justice of the peace courts; to authorize justice of the peace courts to have jurisdiction over certain objects that have been removed, abandoned or disposed of; to provide for appellate procedure for such actions; to provide for fines and penalties; and to provide for related matters.

**SENATE BILL NO. 458—**

BY SENATOR DUPRE  
AN ACT

To enact R.S. 9:5167.2, relative to the cancellation of mortgages; to require the mortgagee to instruct the mortgagor regarding the cancellation of the mortgage inscription; and to provide for related matters.

**SENATE BILL NO. 497—**

BY SENATORS HOLLIS, MICHOT AND FONTENOT AND REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 40:1722(B)(2), (3), (4), and (5), and (D), 1723(B), 1727(3), and 1728(A), and to enact R.S. 40:1730.1, and to repeal R.S. 40:1722(C), relative to the state building code; to provide for the building code; to provide for the mechanical code; to provide for the standard electric code; to clarify departmental jurisdictional responsibilities; to provide legislative findings; to provide for adoption of a uniform code; to provide for enforcement; and to provide for related matters.

**SENATE BILL NO. 748 (Duplicate of House Bill No. 598)—**

BY SENATOR HAINKEL AND REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 40:2010.8(D)(1) and 2010.9(A) and (B) and to enact R.S. 40:2010.9(C), relative to nursing homes and health care facilities; to provide for a resident's right of action;

to provide for injunctive relief; to provide for prescriptive and peremptive periods; and to provide for related matters.

**SENATE BILL NO. 773—**

BY SENATOR BOISSIERE AND REPRESENTATIVE K. CARTER  
AN ACT

To amend and reenact R.S. 32:398(K)(1), relative to accident reports; to provide for fees charged for providing copies of accident reports; and to provide for related matters.

**SENATE BILL NO. 833 (Duplicate of House Bill No. 947)—**

BY SENATOR HOLDEN AND REPRESENTATIVE SALTER AND COAUTHORED BY SENATOR HAINKEL AND REPRESENTATIVES NEVERS, PEYCHAUD AND RICHMOND  
AN ACT

To enact R.S. 17:421.9, relative to school psychologists; to provide a salary supplement for certain public school psychologists who have acquired certification by the National School Psychology Certification Board; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide for limitations; to provide for implementation only to the extent funds are appropriated; and to provide for related matters.

**SENATE BILL NO. 846—**

BY SENATOR ELLINGTON  
AN ACT

To enact R.S. 33:2740.55, relative to special taxing districts in the town of Columbia; to provide for the creation of a downtown development district; and to provide for related matters.

**SENATE BILL NO. 849—**

BY SENATOR ELLINGTON  
AN ACT

To enact Subpart F of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:2341 through 2345; relative to police; to provide for a management institute; to provide for a board; to provide for duties; to provide for management; to provide for training; and to provide for related matters.

**SENATE BILL NO. 886—**

BY SENATOR HOYT  
AN ACT

To amend and reenact R.S. 9:3541.22(A), relative to home solicitation loan; to prohibit the home solicitation of any person where the loan encumbers the primary residence of the consumer for purposes of home improvements; and to provide for related matters.

**SENATE BILL NO. 897—**

BY SENATOR HOLLIS AND REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 51:2311(A)(1) and (2)(a), (b), and (i), (B), (D), and (E) and to repeal R.S. 51:2311(A)(2)(j), relative to economic development; to provide relative to the Louisiana Economic Development Corporation board of directors; to provide for the secretary of the Department of Economic Development; to provide for board appointees; to provide for a quorum of the board; and to provide for related matters.

**SENATE BILL NO. 940—**

BY SENATOR C. JONES AND REPRESENTATIVE RICHMOND  
AN ACT

To enact R.S. 23:1514(F), relative to unemployment compensation; to provide with respect to worker training funds; to provide for customized training for all employees; and to provide for related matters.

**SENATE BILL NO. 973—**

BY SENATORS BOISSIERE, BAJOIE AND IRONS AND  
REPRESENTATIVE MURRAY

**AN ACT**

To enact R.S. 48:1655(A)(1)(c), relative to the Regional Transit Authority; to provide for appointments to the board of commissioners; to allow the chief executive officer of the parish with the greatest percentage of public transit revenue to make certain appointments; to allow for legislative input in such appointments; to provide a time frame for such input; and to provide for related matters.

**SENATE BILL NO. 1016—**

BY SENATOR DUPRE AND REPRESENTATIVES DARTEZ, DOWNER  
AND BALDONE

**AN ACT**

To enact R.S. 13:1910.1, relative to city court judicial building funds; to authorize a service charge to be collected by the City Court of Houma and the Terrebonne Parish Consolidated Government; to provide for exclusive dedication of all monies collected; and to provide for related matters.

**SENATE BILL NO. 1019—**

BY SENATOR C. JONES

**AN ACT**

To amend and reenact R.S. 27:317(A) and (C), relative to the Louisiana Gaming Control Law; to provide with respect to the Video Draw Poker Devices Control Law; to provide with respect to residence and domicile requirements for certain licensees; and to provide for related matters.

**SENATE BILL NO. 1081—**

BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 6:824(A)(1), relative to repayment of loans; to delete the minimum sixty-one day grace period; and to provide for related matters.

**SENATE BILL NO. 1079—**

BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 6:101(B)(1), relative to the commissioner of the office of financial institutions; to provide for qualifications; and to provide for related matters.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 135—**

BY SENATOR MOUNT AND REPRESENTATIVE JOHNS  
A CONCURRENT RESOLUTION

To recognize and commend the Sulphur High School Chorus for achieving the title of grand champions of the National Concert Chorus Cup in Branson, Missouri.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 12, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Resolutions have been properly enrolled:

**SENATE RESOLUTION NO. 58—**

BY SENATOR MCPHERSON

**A RESOLUTION**

To commend Reverend Roy James on his many years of service and outstanding accomplishments.

**SENATE RESOLUTION NO. 59—**

BY SENATOR BARHAM

**A RESOLUTION**

To commend Marine Sgt. Randall Rugg for his extraordinary service and great sacrifice for his country while fighting in Operation Iraqi Freedom.

**SENATE RESOLUTION NO. 60—**

BY SENATOR C. JONES

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate upon the death of Edward Wesley Smith.

**SENATE RESOLUTION NO. 62—**

BY SENATORS FIELDS, ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

**A RESOLUTION**

To congratulate Coach Paul Silas for his contributions to the New Orleans Hornets, express sincere appreciation for coaching the Senate basketball team, and extend best wishes for continued success with the Cleveland Cavaliers.

**SENATE RESOLUTION NO. 63—**

BY SENATOR HINES

**A RESOLUTION**

To posthumously commend firefighter, Faron Haas O'Quin who was killed in the line of duty protecting the citizens of Louisiana putting the safety of others before his own and to offer sincere condolences to the family of this hero.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

**Message to the Secretary of State**

**SIGNED  
SENATE CONCURRENT RESOLUTIONS**

June 12, 2003

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 79—**

BY SENATOR JOHNSON

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study the feasibility of adding an additional lane in each direction along the portion of Interstate 10 in New Orleans East.

**SENATE CONCURRENT RESOLUTION NO. 83—**

BY SENATOR HOLDEN

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to place signs at the junction of Interstate 10 West and Interstate 110 North in the city of Baton Rouge that indicate "I-10 West - Texas - Houston".

**SENATE CONCURRENT RESOLUTION NO. 115—**

BY SENATOR HINES AND REPRESENTATIVE WALKER

**A CONCURRENT RESOLUTION**

To commend the Tunica-Biloxi Tribe of Louisiana for its many contributions to the state, its history and culture, and its people.

**SENATE CONCURRENT RESOLUTION NO. 106—**

BY SENATOR MOUNT

**A CONCURRENT RESOLUTION**

To urge and request city, parish, and other local public school boards and superintendents to consider the issues involved and establish policies which address the inappropriateness of permitting school related activities planned and conducted for the participation of students in facilities which exist primarily to support the conduct of gaming.

**SENATE CONCURRENT RESOLUTION NO. 108—**

BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine.

**SENATE CONCURRENT RESOLUTION NO. 109—**

BY SENATOR THEUNISSEN AND REPRESENTATIVE THOMPSON

**A CONCURRENT RESOLUTION**

To urge and request the Board of Regents to study the need for and feasibility of establishing, within the Louisiana State University System, a resource for agricultural education materials and information to enhance agricultural literacy, awareness, and career exploration in public schools and institutions of postsecondary education.

**SENATE CONCURRENT RESOLUTION NO. 111—**

BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to overlay the South Traffic Circle in Rapides Parish.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

**Message to the Governor**

**SIGNED SENATE BILLS**

June 12, 2003

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bills:

**SENATE BILL NO. 10—**

BY SENATOR THEUNISSEN

**AN ACT**

To amend and reenact R.S. 15:254.6(B)(2) relative to compulsory process; to provide for the use of unexpended and unencumbered funds in the witness fee account for the town of Welsh; to provide that surplus funds may be deposited into the town's general fund to pay for infrastructure improvements and equipment; and to provide for related matters.

**SENATE BILL NO. 42—**

BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 38:2212(C)(2), relative to public work; to require public entities to transmit addendum to bids for contracts for such work exceeding the contract limit by means other than mail; and to provide for related matters.

**SENATE BILL NO. 104—**

BY SENATOR BARHAM AND REPRESENTATIVES MCDONALD, THOMPSON AND WALSWORTH

**AN ACT**

To amend and reenact R.S. 13:3881(A)(2)(d) and to enact R.S. 13:3881(A)(2)(f), relative to seizures; to provide for an exemption from seizure for a motor vehicle valued at seven thousand five hundred dollars or less; to provide for the exemption from seizure of one firearm with a maximum value of five hundred dollars; and to provide for related matters.

**SENATE BILL NO. 110—**

BY SENATORS HINES AND HOYT

**AN ACT**

To amend and reenact R.S. 17:416(B)(1)(b), relative to minimum blade length; to prohibit a student from carrying or possessing a knife of any blade length; to provide for the discipline of such student; and to provide for related matters.

**SENATE BILL NO. 132—**

BY SENATOR LAMBERT

**AN ACT**

To amend and reenact R.S. 40:1300.61(C)(1), relative to the River Region Cancer Screening and Early Detection District; to increase the membership by two on the board of commissioners; and to provide for related matters.

**SENATE BILL NO. 155—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 17:421.8(B), relative to school counselors; to provide relative to salary supplements for school counselors who hold a National Certified School Counselor credential issued by the National Board for Certified Counselors; to provide for verification; to require submission of certain documentation to the Department of Education by a certain date; to provide relative to the payment of the initial supplement; and to provide for related matters.

**SENATE BILL NO. 197—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11: 181(B)(3), relative to Louisiana Clerks of Court Retirement System and Relief Fund; to delete reference to the chairman of the Senate Finance Committee from the provisions of law relating to per diem; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 199—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1541, relative to Louisiana Clerks of Court Retirement System and Relief Fund; to provide that the chairman of the Senate Retirement Committee shall serve as an ex officio member; and to provide for related matters.

**SENATE BILL NO. 215—**  
BY SENATOR BOISSIERE

AN ACT

To repeal R.S. 11:205, relative to the Louisiana State University Retirement System; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 232—**  
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 40:1299.41(A)(1) and (3), relative to medical malpractice; to provide changes in definitions of certain terms; and to provide for related matters.

**SENATE BILL NO. 24—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 40:1484.4(C)(4)(b), relative to the regulation of amusement attractions and rides; to provide for the inspection qualifications for air-supported structures; and to provide for related matters.

**SENATE BILL NO. 39—**  
BY SENATOR DUPRE AND REPRESENTATIVE PITRE

AN ACT

To enact Part VI-B of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:126, and to repeal R.S. 49:121(A)(2), relative to public vehicles; to provide for the placement of certain promotional stickers on public vehicles; and to provide for related matters.

**SENATE BILL NO. 62—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact Code of Civil Procedure Art. 4501, relative to representation of minors; to authorize the mother to represent the minor in certain circumstances; and to provide for related matters.

**SENATE BILL NO. 68—**  
BY SENATOR SMITH

AN ACT

To enact R.S. 33:381(C)(27), relative to municipal officers; to provide that the village of Dry Prong shall appoint the chief of police; to provide for the salary, duties, qualifications, and responsibilities of the chief of police; and to provide for related matters.

**SENATE BILL NO. 84—**  
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 48:1002(A), relative to ferries; to provide for the period of appropriation of state funds for operation and maintenance of the Monkey Island Ferry located in Cameron Parish; and to provide for related matters.

**SENATE BILL NO. 141—**  
BY SENATOR DUPRE

AN ACT

To enact R.S. 32:408(B)(4)(c), relative to school bus drivers; to provide for a restriction to commercial driver's licenses for operation only of a school bus; and to provide for related matters.

**SENATE BILL NO. 171—**  
BY SENATOR B. JONES AND REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 9:2799(A)(2) and (B)(1), relative to limitation of liability for damages from donated food; to provide for the limitation of liability for damages from donated food for certain designated distributors; to provide that the definition of a "food bank" include distributing edible products to designated distributors; and to provide for related matters.

**SENATE BILL NO. 300—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 9:1581, relative to the appointment of public administrators for successions in certain parishes; to provide for the appointment and terms of such administrators; and to provide for related matters.

**SENATE BILL NO. 322—**  
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.47(G)(4), relative to medical review panels; to provide for certain written reasons to be included in expert opinions rendered by the medical review panel; and to provide for related matters.

**SENATE BILL NO. 336—**  
BY SENATOR FIELDS AND REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 23:1310.5(E), relative to workers' compensation; to provide with respect to claim resolution; to provide for hearing and appellate procedures; to provide for surgical procedures; and to provide for related matters.

**SENATE BILL NO. 251—**  
BY SENATOR LENTINI (On Recommendation of the La. Law Institute)

AN ACT

To amend and reenact R.S. 9:1893, 1963, 1965, 1990, 2051, 2068, 2159(1), 2241, and 2273 and to enact R.S. 9:1809, 1979, and 2131, relative to the Louisiana Trust Code, the beneficiaries of a trust, the powers of a trustee, and the principal and income of a trust; to provide for the representation of a principal beneficiary who is a descendant, a sibling, or a descendant of a sibling of the settlor and who predeceases the settlor of a testamentary trust; to provide for a definition of accumulated income and to permit its distribution without objective standards; to provide for the beneficiaries of an interest in trust income after the termination of an interest in trust income; to



provide for the status of a potential substitute principal beneficiary; to provide for the effect of a refusal of an interest in a trust; to provide for the modification, division, termination, or revocation of a trust by a testament; to provide for the non-prorata distribution of trust property by a trustee; to provide that a trustee may not make an adjustment between principal and income if the adjustment would cause ineligibility for the estate-tax or gift tax marital deduction or charitable deduction; to provide for the selection by the trustee of the attorney to handle the legal affairs of a trust; to provide for the authority of corporate trustees under the charitable trust provisions; and to provide for related matters.

**SENATE BILL NO. 252—**

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE  
AN ACT

To enact R.S. 40:1496(I), relative to fire protection districts; to provide for the membership of the board of commissioners of the Terrebonne Parish Fire District Number Five; to provide for extending the district into Lafourche Parish; to provide for the terms of office for board members; to provide for the board chairman; and to provide for related matters.

**SENATE BILL NO. 301—**

BY SENATOR BAJOEI

AN ACT

To amend and reenact R.S. 46:56(F)(7), relative to the confidentiality of client records; to authorize the release of non-identifying medical or genetic information from the department's records to a former foster child or his representative; and to provide for related matters.

**SENATE BILL NO. 346—**

BY SENATORS DARDENNE, SCHEDLER, CAIN, BARHAM, BOISSIERE, CRAVINS, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HINES, HOLDEN, HOLLIS, HOYT, IRONS, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES CAZAYOUX, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BEARD, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GUILLORY, HEATON, HEBERT, HILL, HOPKINS, HUDSON, HUTTER, ILES, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNED, STELLY, STRAIN, THOMPSON, TOOMY, TRICHE, WADDELL, WALKER, WELCH, WINSTON AND WOOTON

AN ACT

To amend and reenact R.S. 15:603(8), (9), (10), and (11), and 609(A), (B), and (C) and Code of Criminal Procedure Art. 572 and to enact R.S. 15:609(F), (G), (H), and (I) and to repeal R.S. 15:615 and 619, relative to DNA detection of sexual and violent offenders; to provide relative to the collection of DNA samples from certain offenders; to provide for definitions; to add certain offenses to crimes requiring the collection of such samples; to provide relative to juvenile offenders; to require DNA samples collection of such offenders under certain conditions; to require DNA sample collection after interstate transfer of offenders under certain conditions; to prohibit the invalidation of a database match under certain circumstances; to provide relative to the limitation of the prosecution of noncapital offenses; to provide for exceptions to such limitations; to require retroactivity of such exceptions; to authorize the use of force under certain circumstances; to repeal provisions with respect to the mandatory charge to be imposed on certain persons; to repeal provisions with respect to the DNA Detection Fund; to provide for the effectiveness of certain provisions; and to provide for related matters.

**SENATE BILL NO. 413—**

BY SENATORS SMITH AND DUPRE  
AN ACT

To enact R.S. 33:381.2, relative to municipal officers; to provide that municipalities with a population of five thousand or less may appoint or elect the marshal who is the chief of police; to provide the procedure for appointment or election; and to provide for related matters.

**SENATE BILL NO. 342—**

BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:2178(M), relative to the Sheriffs' Pension and Relief Fund; to provide with respect to cost-of-living adjustments; to permit payment of a nonrecurring benefit supplement if no cost-of-living adjustment can be paid; to provide for eligibility to receive such supplement; to provide relative to the method and time of payment of such supplement; to provide for retroactive application; and to provide for related matters.

**SENATE BILL NO. 601—**

BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1142.1, relative to insurers; to provide for certain licensing requirements for the solicitation of bail; to provide for certain prohibited activities; and to provide for related matters.

**SENATE BILL NO. 716—**

BY SENATOR B. JONES

AN ACT

To enact R.S. 56:410.8, relative to Lake D'Arbonne; to regulate the use of yo-yos and trigger devices on Lake D'Arbonne; and to provide for related matters.

**SENATE BILL NO. 733—**

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 30:9.1, relative to oil and gas production; to provide for termination of drilling and production units under certain circumstances; and to provide for related matters.

**SENATE BILL NO. 355—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1484.2(7), and to enact R.S. 40:1484.4(C)(4)(e) and (f), relative to regulation of amusement attractions and rides; to provide for inspection; to provide for a definition; to provide for additional requirements for air-supported amusement attractions; and to provide for related matters.

**SENATE BILL NO. 386—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 13:4751(B), relative to petitioning for name change of adults and minors; to provide for additional venues for filing for name change; and to provide for related matters.

**SENATE BILL NO. 407—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1484.2(8) and 1484.4, relative to regulation of amusement attractions and rides; to provide for inspection of air-supported structures; to provide for a definition; to provide for inspection; to provide for certification; and to provide for related matters.

**SENATE BILL NO. 410—**

BY SENATOR LENTINI

(On Recommendation of the La Law Institute)  
AN ACT

To amend and reenact Title XIII of Book III of the Civil Code formerly consisting of Articles 2926 through 2981, to comprise Articles 2926 through 2951; all relative to deposit, deposit with innkeepers, conventional sequestration, and judicial sequestration; to provide for a definition of deposit; to provide for matters for which no special provision is made; to provide for the nature of the contract of deposit; to provide for the formation of the contract of deposit; to provide for the standard by which a depositary is to fulfill his obligations; to provide for when the thing deposited is a consumable; to provide for the return of the thing deposited; to provide for when the thing deposited is lost or deteriorated; to provide for the delivery of civil and natural fruits; to provide that the proof of ownership of the thing deposited is not required; to provide for when the thing deposited was a stolen thing; to provide for the place and expense of return; to provide for the time of return; to provide for the retention of the thing deposited by the depositary; to provide for the reimbursement of the depositary; to provide for the obligation of an innkeeper; to provide that an innkeeper is a compensated depositary for things of a guest that are delivered to him; to provide for when a safe is placed in a guest's room; to provide for when the things of a guest are stolen or damaged; to provide for a limitation on the liability of an innkeeper; to provide for the definition of conventional sequestration; to provide for the application of the rules of deposit to conventional sequestration when compatible; to provide for the termination of conventional sequestration by the depositary; to provide for judicial sequestration; to provide for the application of the rules of deposit and conventional sequestration to judicial sequestration when compatible; to provide for the obligations and rights of a judicial depositary; to provide an effective date; and to provide for related matters.

**SENATE BILL NO. 473—**

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 9:391.1(A), relative to children conceived after the death of a parent; to provide that a child conceived after the death of a parent has all of the rights of a child as if the child had been in existence at the time of the death of the parent including the capacity to inherit from the deceased parent; to provide for the Louisiana State Law Institute to draft comments; and to provide for related matters.

**SENATE BILL NO. 590—**

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:793(A)(1) and (2), (B)(1), (2), and (3), (D)(1) and (F), relative to dentistry; to provide with respect to the administration of certain types of anesthesia; and to provide for related matters.

**SENATE BILL NO. 625—**

BY SENATORS IRONS AND BOISSIERE AND REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 13:4711(A), 4712, and 4713(A) and (C), relative to public nuisance; to provide for definitions; to provide that a petition establishes a rebuttable presumption of certain activity; to provide for an award of expenses incurred in abating a public nuisance or civil penalties upon issuance of a final injunction; and to provide for related matters.

**SENATE BILL NO. 631—**

BY SENATOR HOYT

AN ACT

To enact Chapter 3-E of Title 8 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 8:141 through 144; relative to cemetery districts; to provide for the creation of a cemetery district in St. Landry Parish; to provide for governing boards of the districts and their powers and duties; to provide for taxation; and to provide for related matters.

**SENATE BILL NO. 648—**

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 37:1787(D), 1793(A)(11), 1798(B), 1799(A), 1800(A) and (B), 1804(7), and 1807(A) and to enact R.S. 37:1798(C) and 1800(D), relative to pawnbrokers; to require the applicant to obtain insurance or post a surety bond; authorize the commissioner to verify an applicants network; to provide for the maturity date for forfeiture; to require the pawnbroker to provide certain information to local law enforcement; to provide for maximum allowable service charge; and to provide for related matters.

**SENATE BILL NO. 680—**

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:454(B), relative to cemeteries; to provide for the definition of a designated trustee required for perpetual or endowed care cemeteries; and to provide for related matters.

**SENATE BILL NO. 681—**

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:502(A), relative to certain trust fund requirements; to provide for the delivery of property or services at a future date; to provide for an increase in the trust fund requirement; and to provide for related matters.

**SENATE BILL NO. 715—**

BY SENATOR B. JONES

AN ACT

To enact R.S. 56:410.8, relative to Lake D'Arbonne; to regulate the use of trailers on Lake D'Arbonne; and to provide for related matters.

**SENATE BILL NO. 723 (Duplicate of House Bill No. 354)—**

BY SENATOR HAINKEL AND REPRESENTATIVE TOWNSEND AND COAUTHORED BY SENATOR HOYT

AN ACT

To amend and reenact R.S. 11:2260(A)(2)(introductory paragraph) and (a)(introductory paragraph), (c), and (6) and to enact R.S. 11:2260(A)(2)(g) and (h) and to repeal R.S. 11:2260(A)(2)(d), relative to the Firefighters' Retirement System of Louisiana; to provide for the membership of the board of trustees; to provide quorum requirements; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 759—**

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3398.2, relative to business and industry advisory boards for institutions of postsecondary education; to create and provide for the Process Technology Advisory Board; to provide for its membership; to provide for its mission; and to provide for related matters.

**SENATE BILL NO. 794—**

BY SENATOR C. JONES AND REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 51:936.3, relative to economic development; to require participation between certain departments to prioritize certain

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funding mechanisms for economically depressed zones, communities, and businesses; and to provide for related matters.

**SENATE BILL NO. 824—**

BY SENATOR HEITMEIER AND REPRESENTATIVE MURRAY  
AN ACT

AN ACT

To amend and reenact R.S. 23:1600(6)(a)(i), relative to unemployment benefits; to clarify law relative to prohibiting certain temporary teachers from receiving unemployment benefits during summer vacation between school terms; and to provide for related matters.

## SENATE BILL NO. 841—

BY SENATOR GAUTREAUX

AN ACT

To amend and reenact R.S. 40:1651, 1652(6) and (7), 1653(A), (B), (C)(1), (D), and (F)(3), 1655(B) and (D), 1657(A), (B), (C), (F), 1658(1)(a), (d), and (e), (2), (3), (4) and (7), 1659(2), (3), (6), 1660, 1660.1, and 1661, to enact R.S. 40:1652(8), and to repeal R.S. 40:1657(I) and 1660.2, relative to fire protection system; to make various technical changes; to provide for licensure and certification of certain persons; to provide for notice, hearing, and revocation of a certificate or license; to provide administrative penalties; to provide for additional penalties; to provide for the use of certain funds; and to provide for related matters.

**SENATE BILL NO. 901—**

BY SENATORS JOHNSON, BARHAM, CHAISSON, DARDENNE, DEAN,  
DUPRE, HINES, HOLDEN, B. JONES, C. JONES, MICHOT, ROMERO,  
THEUNISSEN AND THOMAS AND REPRESENTATIVES DANIEL, HILL  
AND MURRAY

AN ACT

To amend and reenact R.S. 40:1300.26 and 1300.46 and to enact R.S. 40:1300.28 and 1300.48, relative to health; to authorize adoption of ordinances regulating smoking in the workplace and public places; to provide for exemptions; and to provide for related matters.

**SENATE BILL NO. 1040—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 26:2(7), 71(A)(introductory paragraph) and (1), 80(B) and (C)(2), 85, 271(A)(introductory paragraph) and (5), 273(A)(2) through (5) and (B), 280(B) and to enact R.S. 26:2(20), relative to alcoholic beverages; to require certain persons to obtain a permit to deal in alcoholic beverages; to provide for requirements; to provide exemptions; and to provide for related matters.

## SENATE BILL NO. 1058—

BY SENATOR SMITH

AN ACT

To authorize the Board of Supervisors of Community and Technical Colleges to transfer title to certain property; to authorize certain municipalities to engage in such transfers; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

## Message from the House

## SIGNED HOUSE CONCURRENT RESOLUTIONS

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

## HOUSE CONCURRENT RESOLUTION NO. 228—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDINO, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOIE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLIO

## A CONCURRENT RESOLUTION

To commend the baseball team of Louisiana State University for winning the National Collegiate Athletic Association Super Regional and reaching the 2003 College World Series.

**HOUSE CONCURRENT RESOLUTION NO. 231—**

BY REPRESENTATIVE RICHMOND

## A CONCURRENT RESOLUTION

To commend Reneé Michelle Wilson upon her selection as a featured principal in the film *Unchain My Heart*.

## HOUSE CONCURRENT RESOLUTION NO. 232—

BY REPRESENTATIVES THOMPSON, FANNIN, HAMMETT, KENNEY,  
AND TOWNSEND AND SENATORS C. JONES, ELLINGTON, SMITH, AND  
CAIN

## A CONCURRENT RESOLUTION

To recognize the Davy Crockett Charity Ride and honor and commend its many volunteers and its organizer, Phil Thomas.

## HOUSE CONCURRENT RESOLUTION NO. 230—

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE

A CONCURRENT RESOLUTION

To recognize October 1, 2003, as World Peace Day in the state of Louisiana.

## HOUSE CONCURRENT RESOLUTION NO. 234—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT AND REPRESENTATIVES ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDINO, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMOY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, GAUTREAUX, HANKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

## A CONCURRENT RESOLUTION

To commend Staff Sergeant Michael McNaughton for his extraordinary service and great sacrifice for his country while serving during Operation Enduring Freedom.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

### **Message from the House**

#### **SIGNED HOUSE BILLS AND JOINT RESOLUTIONS**

June 12, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 10—**  
BY REPRESENTATIVES NEVERS, BRUCE, AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 14:93.3(E), relative to cruelty to the infirmed; to provide for increased penalties for second or subsequent convictions; and to provide for related matters.

**HOUSE BILL NO. 139—**  
BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(2) and (H), relative to the civil jurisdiction of the City Court of Lake Charles; to increase the jurisdictional amount of the court; and to provide for related matters.

**HOUSE BILL NO. 484—**  
BY REPRESENTATIVE JOHN SMITH AND SENATOR CAIN  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(I), relative to the civil jurisdiction of the City Court of Leesville; to increase the jurisdictional amount of the court; and to provide for related matters.

**HOUSE BILL NO. 809—**  
BY REPRESENTATIVE GUILLORY  
AN ACT

To amend and reenact R.S. 33:120.8, relative to the Calcasieu Parish Planning and Zoning Board; to increase the maximum per diem authorized to be paid to such members for attending board meetings and to reduce the number of board meetings for which per diem may be paid; and to provide for related matters.

**HOUSE BILL NO. 824—**  
BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 23:102(E), relative to employment agencies; to exempt employer-fee-paid employment services from current provisions on private employment services; to exempt employer-fee-paid employment services from testing, licensing, and bonding requirements; and to provide for related matters.

**HOUSE BILL NO. 852—**  
BY REPRESENTATIVE QUEZAIRE  
AN ACT

To amend and reenact R.S. 25:1222(A) and 1223(A)(1), relative to the Atchafalaya Trace Commission and the Atchafalaya Trace Heritage Area; to include Ascension Parish within the boundaries of the trace area; to increase the membership of the commission; and to provide for related matters.

**HOUSE BILL NO. 877—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 16:15(C) and (F), relative to fees a district attorney may charge for collection on worthless or forged checks, drafts, or orders; to increase the fees based on the amount of the worthless or forged check, draft, or order; to increase the fee the district attorney is required to charge on behalf of the person or entity that honored the worthless or forged check, draft, or order; and to provide for related matters.

**HOUSE BILL NO. 886—**  
BY REPRESENTATIVE DAMICO  
AN ACT

To enact R.S. 30:2066, relative to fees paid to the Department of Environmental Quality; to authorize fees paid by major sources of air contaminants in severe and extreme ozone nonattainment zones; to provide for the annual adjustment of such fees; to provide for definitions; to provide for exceptions; and to provide for related matters.

**HOUSE BILL NO. 923—**  
BY REPRESENTATIVES HUNTER, WALSWORTH, KATZ, AND THOMPSON  
AN ACT

To enact R.S. 33:4561.1, relative to naming a civic center theater; to authorize the governing authority in certain municipalities to name a civic center theater in honor of a former living mayor of the municipality; to provide limitations; and to provide for related matters.

**HOUSE BILL NO. 965—**  
BY REPRESENTATIVE JOHN SMITH  
AN ACT

To amend and reenact R.S. 47:1922(E), relative to the Insurance Committee of the Assessors' Insurance Fund; to change the membership of the committee; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 981—**  
BY REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 9:4751(2), relative to dieticians; to include "dietician" in a certain definition of "health care provider"; and to provide for related matters.

**HOUSE BILL NO. 1089—**  
BY REPRESENTATIVE MCVEA  
AN ACT

To amend and reenact R.S. 13:966.1(B), relative to court reporters for the Twentieth Judicial District Court, comprised of the parishes of East and West Feliciana; to provide for the annual salary of court reporters; and to provide for related matters.

**HOUSE BILL NO. 1124—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 38:3087.114(A) and (B), relative to the Black River Lake Recreation and Water Conservation District; to increase the membership of the board of commissioners; to provide for terms; and to provide for related matters.

**HOUSE BILL NO. 1127—**

BY REPRESENTATIVE LANDRIEU  
AN ACT

To enact R.S. 33:9091.6, to create the Upper Hurstville Security District in the parish of Orleans; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to taxes or fees to be levied and collected in the district; and to provide for related matters.

**HOUSE BILL NO. 1133—**

BY REPRESENTATIVE ODINET  
AN ACT

To amend and reenact R.S. 56:433(F), relative to oysters; to provide for a minimum size applicable throughout the year; and to provide for related matters.

**HOUSE BILL NO. 1155—**

BY REPRESENTATIVE ODINET  
AN ACT

To amend and reenact R.S. 56:432 and to enact R.S. 56:427(E), relative to oyster leases; to provide for limits on the number of acres which can be leased by one person and the maximum number of acres for which application may be made; and to provide for related matters.

**HOUSE BILL NO. 1156—**

BY REPRESENTATIVE ODINET  
AN ACT

To amend and reenact R.S. 56:430.1(A), relative to oyster production; to remove the requirement for the leaseholder to submit certain information to the Department of Wildlife and Fisheries; and to provide for related matters.

**HOUSE BILL NO. 1167—**

BY REPRESENTATIVE ODINET  
AN ACT

To amend and reenact R.S. 56:424(G), relative to the harvest of oysters; to require a vessel monitoring system to be used by any person who obtains from the Department of Wildlife and Fisheries a permit to land oysters outside the state; and to provide for related matters.

**HOUSE BILL NO. 1273—**

BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 56:106, relative to hunting field trials; to provide relative to notice requirements for a nonresident participating in a field trial to be exempt from the requirement for a hunting license; and to provide for related matters.

**HOUSE BILL NO. 1315—**

BY REPRESENTATIVE TRICHE  
AN ACT

To amend and reenact R.S. 32:432(A) and to enact R.S. 32:414(P) and 432(C) and R.S. 47:296.2, relative to individual income tax; to suspend drivers' licenses for failure to pay individual income tax; to deny the renewal of drivers' licenses for failure to pay individual income tax; to provide for promulgation of rules; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1333—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 35:409, relative to ex officio notaries; to provide for the appointment of ex officio notaries for university police departments; to provide for the exercise of authority; to provide for compensation; to provide for the authority of the chief of police of the university to suspend or terminate the appointment; and to provide for related matters.

**HOUSE BILL NO. 1355—**

BY REPRESENTATIVE POWELL  
AN ACT

To amend and reenact R.S. 23:1168(D)(1), relative to workers' compensation; to provide for pro rata payment of outstanding claims; to provide for promulgation of rules by the director; and to provide for related matters.

**HOUSE BILL NO. 1644—**

BY REPRESENTATIVES GUILLORY AND MURRAY  
AN ACT

To enact R.S. 23:1541.1, relative to unemployment compensation; to provide for an appellate procedure for chargeability determinations; to provide for the issuance of a determination of chargeability; to provide for notice of determination; to provide for review by the administrator; to provide for judicial review; and to provide for related matters.

**HOUSE BILL NO. 1645—**

BY REPRESENTATIVES GUILLORY AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1541(5)(a), relative to unemployment compensation; to repeal the limit on employer contributions to a portion of benefits charged; to authorize payment of contributions in any amount to an employer's experience-rating account; and to provide for related matters.

**HOUSE BILL NO. 1646—**

BY REPRESENTATIVES GUILLORY AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1634(A), relative to unemployment compensation judicial review; to provide a venue for appeals for out- of-state unemployment compensation claimants; and to provide for related matters.

**HOUSE BILL NO. 1647—**

BY REPRESENTATIVES GUILLORY AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1539(A), relative to unemployment contributions; to clarify that employees shall be considered assets of a business when determining if an acquisition has occurred; and to provide for related matters.

**HOUSE BILL NO. 1648—**

BY REPRESENTATIVES GUILLORY AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1669(C), relative to unemployment compensation; to provide that a flat contingency fee be paid to collection attorneys; and to provide for related matters.

**HOUSE BILL NO. 1671—**

BY REPRESENTATIVE QUEZAIRE  
AN ACT

To enact R.S. 38:226, relative to permits for levee crossings; to require the executive or administrative officer of the board or commission of a levee district to issue permits or letters of no objection to levee crossings when the crossing is approved by the United States Army Corps of Engineers and the Department of Transportation and Development, office of public works; to require the executive or administrative officer of the board or commission to enforce such permits for levee crossings relative to certain conditions and stipulations; and to provide for related matters.

**HOUSE BILL NO. 1894—**

BY REPRESENTATIVE WOOTON  
AN ACT

To amend and reenact R.S. 56:302.9.1(A), relative to charter boat licenses; to provide that such licenses are required only for motorized vessels; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

### **Leaves of Absence**

The following leaves of absence were asked for and granted:

Bajoie	1 Day	Bean	1 Day
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### **Adjournment**

Senator Lambert moved that the Senate adjourn until Friday, June 13, 2003, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Friday, June 13, 2003.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk